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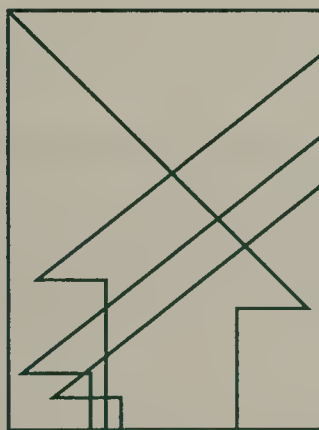
Resource Guide



MASSACHUSETTS
HOUSING
FINANCE AGENCY

Homeowner's **Resource Guide**

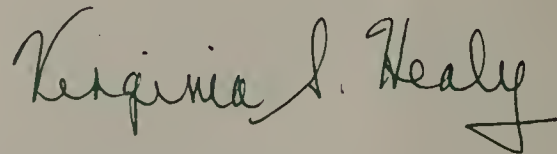
MASSACHUSETTS HOUSING FINANCE AGENCY



One Beacon Street
Boston, MA 02108

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Virginia S. Healy
Senior Development Officer
Single Family Division

Note: The materials contained in this Homeowner's Resource Guide are designed for guidance only. They are not designed to be, and should not be used as, a substitute for professional services. MHFA makes no warranties or representations of any kind that the materials contained in this Guide will necessarily apply to, or be effective with respect to, any particular situation.

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INTRODUCTION

Dear Homeowner:

After months of searching for just the right home, signing numerous contracts and finalizing the financing, you have closed your mortgage loan and are now a proud homeowner. There is no greater sense of accomplishment than settling into your first home.

You now know what it takes to buy a home. You are ready to learn some of the "in's and out's" of owning a home. With this in mind, MHFA has developed a Resource Guide that is designed to provide you with answers to questions, suggestions on how to solve home-related problems, and a list of offices and agencies that you may need to contact. The Guide is not meant to be all-inclusive, but we hope it will provide you with useful information.

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The Resource Guide begins with an eye toward budgeting and planning your finances. In Chapter 1 we have reprinted what we believe is an excellent chapter on home ownership published by the Federal National Mortgage Association (FNMA).

In Chapter 2, you will learn how to conduct an annual home inspection, become familiar with "inspection points" around the house, and know why it is important to check the attic after a heavy rain, or the basement for dampness. You will become more familiar with your entire house and learn how to see warning signs long before they become expensive major repairs.

Chapter 3, A Seasonal Guide to Home Maintenance, takes you around your home through the seasons and helps you plan repairs and cleaning, a little bit at a time. Because some seasons are better for outdoor work and some are better for indoor cleaning and maintenance, this chapter suggests ways you may want to organize projects. Ultimately you will discover that home ownership is an ongoing process of smaller projects that take a little time each week or month. Plan your time and

maintenance well and you will never feel that your home swallows up all your weekends or free time.

Chapter 4, Home Improvements, looks at ways to improve your home. The chapter describes minor repairs, and redoing your kitchen, bathrooms, and finishing the basement. Major work, such as adding a deck, patio, or more windows to your home is discussed with emphasis on selecting a contractor, the bidding process, costing out and paying for home improvements or repairs, and a few "beware of" tips. At the end of the chapter is a contractor check-list with names and numbers that should be helpful as you move through the home improvement process.

From there we turn our attention to protecting your new home. Chapter 5 combines Security and Safety with Environmental Concerns. This chapter describes security measures from planting shrubs around your land to installing sophisticated alarm systems. Also covered are the different smoke detectors that are available for your home, as well as ways to minimize fire hazards. Energy Conservation and Environmental Concerns covers lead paint, radon, and asbestos, and what to do if any of these exist in your home. The new Massachusetts law addressing septic systems in homes that do not connect to town or city sewage systems is also covered.

Chapter 6, Multi-Family Ownership, examines the aspects and issues involved with renting out apartments, finding and selecting tenants, categories of tenancy, rent control, record keeping, and lastly, evicting a tenant. Renting units in your home to tenants represents a business venture. This chapter is designed to protect you and your business. Condominium Living, Chapter 7, describes buying a condominium, the condominium association and its officers, and your rights and responsibilities within the community. Both chapters are geared toward living with other people, either in a community or as their landlord.

Chapter 8, Avoiding Defaults and Foreclosures Through Workouts with Lenders, provides information MHFA hopes you will never need, but is nevertheless important. The chapter outlines the reasons why homeowners might fall behind on their mortgage payments and concludes with a glossary of terms and

definitions a homeowner may need to know in a situation where foreclosure could happen.

Finally, Chapter 9 lists resources that may be helpful to you as a homeowner.

CHAPTER 1

FINANCIAL PLANNING AS A HOMEOWNER

The Homeowner's Resource Guide begins with a discussion of your finances. It is important to manage your finances carefully now and be prepared for the unexpected (emergency home repairs, for example). Most important are your mortgage payments. By carefully budgeting, you will always be able to pay your mortgage. If you begin to miss mortgage payments, you will put yourself in a situation that could ultimately result in the loss of your home.

This chapter is reprinted from the Federal National Mortgage Association (FNMA) "A Guide To Homeownership" (1971: Washington, DC). The suggestions and tips it offers should help you budget, plan, and avoid financial problems.

If you do not already have a budget, it may be time to start one. Budgeting for your needs is one of the best ways to ensure that you are always in a position to pay essential bills. Some budget basics are:

- 1. Know what bills are due and when.** Compare the timing of your set expenses (such as your mortgage, utilities, car payments, etc.) with your pay schedule. If you get paid weekly, you need a different strategy than if you get paid monthly. In either case, a checking account will provide not only an easy way to pay your bills, but also a way to help you keep track of what you spend.
- 2. Ask electric and gas companies if you can get on their "budget" plan or "average payment" plan.** Based on the history of gas or electric use in the home, the company arrives at an estimated annual cost then divides it by 12 months. You are billed for the same amount every month, though the utility company still keeps track of how much you use. Once a year, the company adjusts your average monthly payment up or down according to your actual use, and you pay that fixed amount for the next 12 months. This helps tremendously with budgeting, since you know in advance how much your monthly bill will be.
- 3. Know how you spend your money.** Get in the habit of saving

Household Budgeting

receipts. Jot down what they are for if they are not itemized. This is an easy way of keeping track of your cash expenditures. Then categorize all of your expenditures for an entire month. If money is tight, look for ways to economize. You will have to do your own analysis, but most of us have expenditures that we spend more for than we really need to that we can reduce rather painlessly.

4. Plan for large, periodic expenses such as property taxes (if they are not paid by the lender), homeowner's insurance, car insurance, and the water bill. Make a "budget calendar" showing the approximate amount of these expenses and when they come due.

5. Budget for regular maintenance and unexpected repairs. Some experts suggest budgeting one percent of the purchase price of the house for annual maintenance and repairs.

6. Adhere to a regular savings plan. Many financial advisers suggest saving 5 percent of your take-home pay. You have to make this a top priority if it is to work; you cannot just save whatever you have left at the end of the pay period. That's a sure way to end up with no savings at all.

7. Always keep an emergency fund on hand. You need to have a "nest egg" so you can replace the hot water heater when it suddenly springs a leak. If you don't already have such a fund, start one. It is only a question of time before you'll need it.

8. Plan ahead for major purchases rather than making impulsive decisions. Whenever you purchase anything on time, look carefully at the financing terms, including the Annual Percentage Rate (APR). (The APR is the cost of credit that consumers pay, expressed as a simple annual percentage.) Often the retailers that offer the most liberal terms (no payments due for three months!) actually charge the highest interest rates. Shop around. Try to save up for things you need rather than charging them. You'll pay less, and you may decide that you'd rather use the money for something else.

Tax Planning

You should look at the advantages of homeownership from a tax standpoint. For many years the federal government has actively

promoted homeownership by providing homeowners with significant tax benefits that are not available to renters. The following is a general discussion of some of the tax benefits associated with homeownership. Please consult your tax advisor for more information.

Income Tax Deductions

In the past you may have taken the standard deduction rather than itemizing your deductions on your federal income tax returns. Now that you are a homeowner and can deduct the interest you pay on your mortgage and certain other expenses, you will need to use IRS Form 1040 (the "long form").

Interest

The deduction for interest alone may save you thousands of dollars in federal income taxes. Especially in the early years of your mortgage, the bulk of your monthly mortgage payment is interest.

For example, suppose you are paying 10 percent interest on an \$80,000 fixed-rate mortgage payable over 30 years. Your monthly payments (Principal and Interest only) are \$702, or \$8,424 per year. In the first year of the loan, you will pay the lender \$7,944 in interest and only \$480 in principal!

The allocation of principal and interest changes with each monthly mortgage payment. As time goes on, you pay progressively less interest and more principal. The lender will give you a statement each year showing how much interest you have paid and your principal balance at year-end. (You also can ask the lender to provide you with an amortization schedule for your specific loan.)

Paying a First and Second Mortgage

If you are paying off both a first and a second mortgage on your house, the interest you pay on the second mortgage is also deductible.

In your first year as a homeowner, your tax break may be even larger since any points you paid to the lender in the process of obtaining your mortgage may be deducted.

Property Taxes

Federal tax law also allows a deduction for taxes on real property paid to cities and towns. This means that as a homeowner, your real estate (or property) taxes are deductible. Some states also

	<p>allow you to take deductions for these taxes. In some jurisdictions, low- to moderate-income homeowners may qualify for a full or partial property tax abatement. Call the tax assessors office to obtain information on the availability of abatements.</p>
Rental Property	<p>If part of your home is rented out, the rent you receive must be reported as income for income tax purposes. However, you can deduct from the rent the cost of any repairs as well as operating expenses (such as the cost of utilities, insurance, and advertising for tenants), as well as an annual depreciation allowance. If your deductions are greater than your rental income, you can report a loss (subject to limitations), which will lower your taxable income.</p>
Capital Gains Deferment	<p>Generally, when you sell something for more than you paid for it, you must pay a "capital gains" tax on the increase. Again, homeowners receive preferential treatment. When you sell your home at a profit, you can defer paying taxes on the gain, provided you buy another home within two years that costs as much or more than the sale price of your previous home.</p> <p>This favorable tax treatment allows homeowners to "trade up" for increasingly expensive homes without a tax bite. Moreover, once you are age 55 or older, you can sell your home without purchasing another home--and still be eligible for a one-time exclusion of gain up to \$125,000.</p>
Keeping Records	<p>For tax purposes it is important to keep accurate and complete records of the cost of any improvements you make to your house. Although the cost of improvements is not deductible, they increase your home's "basis" which in turn determines the amount of your gain for tax purposes when you sell it. (Some of the closing costs you incurred when you bought your house also can increase your home's "basis" when you sell. So do not throw your loan settlement sheet away!) Because the tax advantages of owning a home can make your annual taxes more complicated, seriously consider hiring a certified public accountant (CPA) to prepare or help you prepare your federal and state income taxes.</p>
Homeowner's Equity	<p>Another financial advantage of homeownership is that as you pay down your mortgage over time, you build up equity. Your equity is defined as the difference between the appraised value of</p>

Home Equity Line of Credit

your home and the amount you owe on the mortgage.

One way to take advantage of the equity you have built up in your home is to take out a home equity line of credit. This type of loan involves using your home as security. It enables homeowners to qualify for a sizable amount of credit at a relatively low interest rate. Moreover, because the debt is secured by your home, all or part of the interest is deductible regardless of what you use your credit line for. (See a tax advisor or call the IRS for details on the interest deductions on a home equity line.) Home equity plans typically involve variable interest rates rather than fixed rates.

Refinancing Your Home

One way to reduce your monthly payment costs if interest rates are falling is to refinance your mortgage. Refinancing involves taking out a new mortgage and using it to pay off your existing mortgage. Even if your new loan is with the same lender, refinancing involves going through closing (and may include payment of closing costs) all over again. A prepayment penalty on your present mortgage could be the greatest deterrent to refinancing.

It is normally advantageous to refinance only if interest rates have dropped at least 2 percentage points and you plan not to sell your house for at least a couple of years.

NOTE

Beware of mortgages that have prepayment penalties or are structured in such a way that you will have to make a "balloon" payment (a balloon payment is defined as a final payment that repays the mortgage in full but is substantially larger than the previous installments). Also beware of mortgages in which the payments increase over the life of the loan. Discuss these types of mortgages with your mortgage lender to insure against obtaining one that you may not be able to afford.

Prepaying Your Mortgage

At some point in the future your monthly payment may seem much more manageable than it does today. If your income rises, your mortgage payment will be a proportionally smaller portion of your total income. At that time, you may become interested in paying off your mortgage faster especially if you stop to realize how much interest you are paying.

We noted before that principal is paid off very slowly during the first years of a mortgage. Let's assume you have a 30-year, \$90,000 mortgage with a 10 percent interest rate. Your monthly payment of principal and interest is \$790--with the allocation between principal and interest changing slightly each month. This loan progress chart shows the amount of principal still owed on a \$90,000 mortgage at the end of each five-year period:

5 years	\$86,917
10 years	\$81,845
15 years	\$73,500
20 years	\$59,770
25 years	\$37,179
30 years	-0-

By the time you have finished paying off the loan, you will have paid the lender \$284,400 (more than three times the \$90,000 you borrowed). With higher interest rates, the total amount of interest you pay over the term of a 30-year mortgage is even more astounding.

You can save very substantial amounts in interest payments over the life of your mortgage by making extra payments on your mortgage, either on a regular basis or even once in a while. Even if your mortgage is subject to a prepayment penalty, most lenders allow partial prepayments. If you were to make one extra payment per year (for example, when you receive an income tax refund), you would pay off your mortgage years ahead of schedule. Even paying \$25 a month extra will save you a great deal in interest.

Life as a Homeowner

Owning your own home brings not only the personal satisfaction of reaching your goal of a place of your own, but also presents new obligations and financial advantages. Buying a home takes time and hard work, and is perhaps the greatest financial investment you will make, so it is essential that you protect your new asset through home safety precautions, sound household budgeting, and regular home maintenance. And, as you pay down your mortgage over time, you have the satisfaction of knowing that you are building equity for the future.

CHAPTER 2

ANNUAL HOMEOWNER'S INSPECTION

It is important to inspect your home every year. Preventive maintenance can save a lot of money. Home inspection can also alert you to impending repair needs. Even if you choose to let the weak electrical system go until repair is absolutely necessary, if you note the weakness in your home inspection you can begin saving money for the impending repair costs.

When you bought the house, you may have had a professional inspection done. If you can afford it, it is not a bad idea to have your home professionally inspected after ten years or so.

The Exterior View: Structure and Foundation

Your top priority is making sure your home is structurally sound. Position yourself far enough from the house so that you have a good view of the entire structure. Stare at it for a full minute. Homes with simple designs, like a Cape Cod-style home are the easiest to inspect. Is the roof level? If the roof sags in the middle it means trouble.

Check the position of the house on its foundation. If one half of the house looks lower than the other half, you may have a sinking foundation. Other clues are found inside the house. Some settling of the house into the foundation is natural, especially in older homes. A sinking foundation in a new home is a sign of poor construction.

Check the foundation carefully for cracks. Pay close attention to the corners, which are the weak areas. Do not be concerned with hairline cracks, which will undoubtedly be present. Cracks that are wider at the top than at the bottom ("V" cracks) are signals of trouble. If the crack is very large, and it looks as though the top of the foundation has come away from your house, you may need to contract for major repairs.

Sinking and Cracked Foundations

Sinking and cracked foundations can often be fixed effectively, but it is not a job for an amateur. Do not make fixing a crack in your foundation your weekend project; it is not as easy as it looks. Covering the crack with more concrete will not fix your foundation problems. Hire a professional.

The Roof

Although you can climb a ladder to inspect your roof, you may wish to hire a professional roofer to check the roof for holes, cracks, loose or curling shingles and other damaged materials, and if necessary, clean your gutters. First, look for holes in the roof. Obviously, a hole is a sign that you need repairs or if there is a lot of damage, a new roof. Try to bend a piece of your roof. A healthy roof shingle is pliable, not brittle.

You will also need to check your roof from the attic. Look for leaking first. During the day, go into your attic and turn off all the lights. Check for shafts of light to see where your roof has a hole, or is very thin.

Gutters

Check your gutters carefully. Clear them of any debris while you are looking for weak corners or holes. There are several kinds of gutters. Plastic, though not the most attractive, is the most durable.

House Paint

Look closely at each side of the house to determine the condition of the paint. A good paint job should last four to seven years. Conditions such as harsh weather and paint quality will affect the life of the paint. If the paint is peeling or blistering early, it may be a sign that the house is not properly insulated, and moisture is forming on the inside wall.

House Stain

If your home is stained instead of painted, look to see if the stain has faded or if there are hairline cracks in the wood. If these conditions are present, or if the wood looks very dry, it may be time for another coat of stain.

If you have a brick or stone house, check for loose materials. Also look for fungus or excess moisture.

If you have vinyl or veneer brick siding, you will have less maintenance to perform. Check each year to be sure that the siding is still firmly attached to your home.

Window Weatherization

While you are so close to your house, inspect the windows. Look for windows where the glass is not firmly attached to the wood window frame, or where the window is loose or rattling. These windows are costing you extra money on your heating bills by letting cold air in and heated air out.

The Land Around Your Property

With a screwdriver, poke the wood to check for dry rot, which is caused by a moisture-induced fungus and reduces wood to a fine powder.

The land that your house is on should be inspected, first for safety hazards. Check the condition of all railings and stairs leading to your house. Make sure the walk to your front door does not present a danger.

In the evening, turn on all the exterior lights that you have. Is the exterior of your home lit enough so that someone could walk from the street or driveway to the front door without being in darkness? During your yearly inspection, check to make sure all exterior lights are working.

Inspecting the Driveway

If you have a paved driveway, inspect it for cracks. You are probably not going to damage your car if your driveway is old, but it adds to the appearance of a home to have a clean looking driveway. If your driveway is gravel or dirt, check for holes and uneven spots. You may be able to rake the driveway into shape. After a tough winter or rainy season, it may take more effort to smooth out the driveway.

Landscaping

Inspect all trees for signs of weakness or decay. Be especially conscious of the trees which surround your house. A falling tree could cause major damage to your home. Dead branches, bark that is always wet and crumbly, and rotted holes in the tree are all signs that a tree may have to be removed. You may want to consult a professional landscaping company for an assessment of the trees on and around your property.

If you are performing your inspection in the spring or summer, check the condition of the grass. If it is non-existent, or brown and unhealthy looking, you may want to look into some landscaping changes. If the problem is heavy traffic, such as children playing, you can put up a fence around the area you would like to protect. Good grass should be able to take a reasonable amount of foot traffic (e.g. baseball, football, soccer, or tag). If you do not have heavy foot traffic on your lawn and your grass is still not growing, the problem may be lack of water, or poor soil.

The Interior View

Kitchen

Look at the landscaping you have done. Are the flowers growing, or would they be more suited to a different climate?

Inspect every inch of the kitchen for wear. Start with the ceiling: look for cracks, stains, and chipping paint. Then move to the cabinets and check to make sure they are firmly attached to the wall. Tighten any screws that need it. Look inside the cabinets for sagging shelves and mildew.

Check the refrigerator for ice formed on the walls of the freezer or refrigerator. This may be a good time to defrost, if you are having a problem.

Make sure the flooring is not coming unglued, and that it is in good condition.

Check that the garbage disposer works. Look under the sink to be sure it is not leaking. Also, check under the refrigerator and dishwasher for signs of leakage.

Bathroom

Check all wall tiles to make sure they are firmly attached.

Go to the room directly underneath the bathroom to look for stains on the ceiling. If there are stains it may be an indication of a water leak from the sink, tub, or toilet.

Inspect the floor around the toilet to be sure that there are no leaks. If you notice water on the floor, it may mean the seal on the toilet has been broken. Check the sink faucet and pipes for drips.

Check walls for mildew, floor corners for mold and buildup of moisture. Inspect the status of the wallpaper, if there is any. Does the fan work properly?

Carefully check all wood in the bathroom--doors, counters and moldings.

Bedrooms

In every room of your house, check for slanted floors, since this may indicate a structural problem. If the slant is extreme, you can feel it by walking from one side of the room to the other.

To detect more subtle slanting, place a small ball on the floor to see if it rolls.

Inspect all doors. Make sure they shut securely. If the wood is warped, you may need to shank (sandpaper) the door down. Check all doorknobs for safety, and tighten all screws. Check hinges for rust and lubrication.

Check floors, walls, and ceilings for signs of wear. Investigate the cause of any stains found on the ceilings or walls.

The windows should be checked for drafts and dry rot. Make sure the windows can be opened quickly and that furniture is arranged in such a way that the house can be exited safely in the event of a fire.

Basement

If there has not been rain recently and your basement is wet, you may have a drainage problem. All basements will be damp; look for actual wetness. During rain, go to the basement to look for leaks. Make sure all basement windows and doors are airtight and locked from the inside. Look for mold and mildew in your belongings.

Make sure you have some sort of vent open in your basement. This will help to dry it out and allow radon, (a naturally occurring odorless gas), to escape. You may want to check your basement for high radon levels (see chapter 5).

Pipes/Plumbing

Check all exposed pipes for leaks. Look to make sure all the pipes are securely soldered at the joints. Make sure your pipes are not made of lead. This could cause lead poisoning in your drinking water. Health officials in your city or town can direct you to inspectors who will inspect your pipes and their soldering for the presence of lead. If you suspect lead in your pipes or the soldering, let tap water run until it is cold before using it for drinking, cooking, preparing baby formula or foods. This will flush out the water that has been standing in your pipes all day or overnight.

Be sure there are shut-off valves in the bathroom(s), kitchen and basement.

Electrical

Check every sink and shower in the house to make sure the water pressure is satisfactory. You may also contact your local water company for installation of water saving devices on showerheads, faucets and toilets.

Inspections of electrical systems should be conducted by the electric company or a licensed, registered electrician. Call your electric company; often they will inspect your electrical system for free. Otherwise, call a licensed electrician to have him/her test out the system. A licensed electrician can inspect your service panel and can trip your circuit breakers for you. Read the capacity listed on the door to the service panel. If your home has a 60 amp service panel, you may want to consider upgrading the system. (Be sure to get at least two quotes from licensed registered electricians before undertaking this project.)

100-amp systems are sufficient for most homes, but multi-family or large homes need a 200-amp system. Make sure the circuits are clearly identified. This will save you time if you ever need to turn off the electricity in a certain part of the house.

Your service panel should have a thick grounding wire. If you do not see one, have an electrician inspect the system.

Inspect outlets. Are there enough for you? If you have small children, cover unused outlets to avoid accidents.

If you have lights that flicker in your house, like a kitchen light that flickers when the garbage disposal is on, you probably have an overloaded circuit. You can buy a circuit tester at your hardware store. This device will test outlets to be sure they are properly grounded.

Fuses

For those who have never done it, changing a fuse can be intimidating, especially because you have to approach the electric panel.

If your home was built around 1950 or before, you probably have fuses. If it was built after that time, you probably have circuit breakers. Although they look different, they serve the same function--to protect the wire. Fuses are glass with a lead band that is visible through the glass base and screw into a fuse

socket; circuit breakers look like switches.

If the lights go out or an appliance or tool stops operating, you probably blew a fuse or tripped a circuit breaker. Switch off the appliance or tools that were running. You do not need to turn everything off, but enough to reduce the load. Locate the panel box, open the cover, and look for the glass fuse with the black burn mark in the center. If you can see an intact lead strip, this is not the fuse that blew. Unscrew the burnt-out fuse and replace it with the same size or rating fuse. The fuses are color-coded and numbered as follows: blue fuses are 15 amps, red or orange fuses are 20 amps, and green fuses are 30 amps.

Do not unscrew the panel box to look at the wire sizes. You can open the front of the panel box without fear of a shock. You can get a shock by unscrewing the cover to the panel box or by sticking your finger in the fuse socket.

Before you blow a fuse, make an appointment with a licensed electrician and review your panel box and create a ledger of the proper fuse sizes. This will be helpful should a fuse blow in the future.

Heating

Check your heating system thoroughly for leaks or cracks. Also check all heating vents or radiators for corrosion or wear. It is a good idea to have your heating system serviced yearly.

Insect Infestations

For infestations, call a professional exterminator to have the pests professionally removed. **Because this can be costly, time consuming, and depending on the extent of the extermination, may disrupt your life considerably, we cannot emphasize enough the importance of a professional, licensed exterminator. Check references, and verify the licensure.** If you can see bugs crawling around, you have a problem. Sometimes, though, they are there even if you do not see them.

Termites mainly live in warm climates, but they are not unknown in New England. They feed on wood. The first sign of termites is the small tubes they build along the foundation of a house. Check all wood for termites. You can do this using a screwdriver. Poke all wood. If it crumbles, you may have a problem. If you do find evidence of termites, call an

Carpenter Ants

exterminator for an estimate for extermination.

Termites are not the only insects that will invade your house. Carpenter ants are fairly common in homes. You will see wood shavings where they burrow into your home. If you see evidence of this, call a licensed exterminator. If you find the nest, you have a good chance of eliminating the problem yourself. If you do not, you may end up having to exterminate.

Beetles

Certain types of beetles can destroy your furniture and your house. Called powder-post beetles, they leave your basement or attic filled with holes. This is accomplished when the adult beetle bores out of the wood after completing the larval stage. They can weaken your floors and ceiling to a dangerous point. If you see these holes in your house, call a professional.

Wasps and Bees

Wasps and bees may bore holes into your garage, porch, deck, overhang, fence or other exposed structure to make a home. These holes are not a danger to your home unless there are a lot of them. The bees are a danger to your family, though, since the females do sting. You can get rid of these nests with an aerosol bomb. Be careful not to put yourself at risk of being stung. Spray after dark to be safer. When the nest is gone, fill the empty hole with putty.

Professional Removal

Often an exterminator will only need to exterminate once. Sometimes they will need to come back a second time, or several times. If your exterminator tries to sell you a "service contract" in which they will exterminate a certain number of times over a period of time, you might want to get a second, or even third opinion. While exterminators are very valuable when it comes to preventing termites, they can be very costly. A "service contract" may seem like a good deal, but it may be unnecessary and end up costing you more than you need to pay for the service.

CHAPTER 3

A SEASONAL GUIDE TO HOME MAINTENANCE

Home maintenance is an on-going process and unfortunately there are many things that homeowners may not know. One way of approaching home maintenance is to plan activities on a monthly basis. To make things easy for you, we offer an outline of a seasonal plan that may be used as a guide for keeping your home in good condition. The information in this chapter may be found in its complete form in John Warde's book referenced in the bibliography at the conclusion of this guide.

Essential Tools

Half the battle of accomplishing proper home maintenance is having the essential tools. The tools used for the most common maintenance jobs in the home include:

- 10 or 12 foot flexible steel tape measure
- claw hammer
- two medium-sized screwdrivers
- one with a flat-sided blade
- one with a Phillips head blade for screws with cross-slotted heads
- adjustable wrench
- pliers
- electric drill
- funnel-cup plumber's plunger
- kitchen knife.

Keep in mind that you will need other tools as you get into more detailed projects like wallpapering, painting, or major repairs.

Winter: January
through March

Carpets

January

If the carpets are dirty or stained, this may be the time to shampoo them. In some cases the heat of the house dries the carpets faster than on a humid day in July. You can shampoo the carpets yourself or have a professional do the job for you. Doing it yourself, of course, saves you money but you run the risk of saturating the carpet. If you decide to hire a professional to clean your carpets, make sure you check with several carpet cleaning companies and ask if deodorizing and Scotch Guard are included in the price. Both of these treatments are beneficial and should help keep your carpet in good condition -- but remember, they are optional and will add to the overall cost of cleaning your carpet.

Walls

If the walls are dirty, wash them. New paint or paper might give the room a boost. If you need to paint and/or paper, start by repairing any cracks or holes in the walls and woodwork. If the woodwork is already painted, it is a good idea to strip off or sand the old paint before putting on the new. (See Chapter 5 for information on Lead Paint Removal.) Remember to take off all hardware, like window locks and curtain rod holders before painting.

Because the humidity levels in a home are usually lower in the winter, wooden doors and finishings will have contracted. This means that any cracks and holes are at their maximum size and that it is a good time to repair them.

After all repair work is done, you can paint or wallpaper. If you paint, two coats are recommended, a primer coat also is recommended if you are trying to cover a dark colored paint with a lighter color. If you wallpaper, make sure you "size" the wall first. Sizing is a special compound that adds a rough texture to the wall to help the wallpaper stick.

Wallpapering

Pre-pasted wallpaper generally does not last as long as wallpaper you paste yourself. Try to buy quality paper. Washable vinyls are always good and tend to last a long time.

Ceilings

If the ceilings have mildew on them, wash them with a mixture of bleach and water, being careful not to get this mixture into

your eyes as you are looking up. If the ceiling needs repairing, be sure to repair existing cracks and to scrape or sand any peeling paint. Paint the ceilings as you did the walls but use a paint roller screwed into a broom handle to cover most of the surfaces. Ask your hardware store for paint designed specifically for ceilings.

Flooring

Flooring and carpeting is done last if you are renovating an entire room. If you are going to replace the carpets or floors shop wisely and try to pick a neutral color that will go with any change of wallpaper or paint that you decide on in the future.

February

Safety Systems

This month is a good time to inspect home safety systems. Make sure all the smoke detectors are working and have good batteries. A good rule of thumb is to change the batteries twice a year at a time you will remember, like in the spring and fall when you change the clocks because of daylight savings.

March

Wet Basements

March is a wet month. Watch for leaks in the basement. Make sure that if you have a sump pump, it works properly. (A sump pump sits in a hole in your cellar and automatically pumps the water out when the level begins to rise.) A good way to check the sump pump is to pour water into the hole and see if the pump turns on.

If you do not have a sump pump, and you have reason to believe that you might have an upcoming water problem, a great tool to invest in is a wet/dry shop vac. This tool is relatively inexpensive, has a strong suction, and can be used to vacuum up shallow amounts of water as well as for other tasks such as cleaning the workshop, vacuuming the car, and cleaning window sills.

Spring: April and May

April

Gutters

April is a good month to get outside and inspect the exterior of your home. Examine the gutters and down spouts to make sure they have not pulled away from the edge of the roof and they are

clear of debris.

Make sure you clear the debris away from the splash blocks (the concrete troughs beneath the down spouts). Reposition the blocks if necessary to route the water away from the foundation of the house. Misplaced or lack of splash blocks are the primary cause of basement leaks. This is also a good time to make any other necessary adjustments or repairs to the gutters.

If you can get on the roof, inspect for broken or curled shingles (a common cause of leaks) and repair accordingly. Also check the chimney for loose mortar and inspect additional items like television antennas and wires.

Back on the ground, inspect the sides of the house. Badly blistered paint that reveals wood pulled away from the side of the house is a sign that condensation has occurred within the walls. You should remedy this situation before painting the house.

Cleaning Your Chimneys

Once you have had your last fire for the winter in your woodstove or fireplace, it is essential that you clean the chimney or stovepipe. If you put off this task, the soot or creosote deposits will harden making removal difficult and increasing the risk of fire. The chimney can be cleaned by a professional or you can purchase a chimney sweep kit and do it yourself. If you want to get the chimney inspected by a professional call your local fire department. They will either handle the inspection themselves or refer you to someone who does inspections. The fire department also inspects woodstoves and smoke detectors.

Screens and Blinds

This is a good month to get out your screens and repair them if necessary. This assures that they will be ready for installation as soon as the good weather comes. This is also be a good time to wash blinds.

May

May marks the start of outdoor maintenance. This is the time to actually begin the outdoor projects that you decided on earlier in the year such as painting, re-siding, roof work, masonry repairs, and additional construction. This is also the month to think

about lawn care.

Get out outdoor furniture and see if it is in shape for the warm weather.

Gardening

If you are going to have a vegetable or flower garden, now is the time to start planting. Since you now own a home you might want to invest in perennial plants in the flower garden.

Perennials come up every year as opposed to annuals that only last one season. If you do not have a yard, you could invest in window boxes for flowers. Also, you might want to plant an herb garden indoors.

Septic Systems

If you have a septic system, now is the time to think about getting it pumped out. Most people do not realize that you can ruin your system if you do not get it pumped approximately every two years, or more often if you have a large family. You should also avoid putting food down the system. Also, when doing laundry, avoid using excess bleach because bleach kills the bacteria that helps clear the waste.

NOTE: If you have a septic system, look for "phosphate free" detergent.

Summer: June through August

June

Since June has long days, this is the time to make all the repairs in the house that require full ventilation such as stripping furniture, painting, and floor refinishing.

Outdoor Projects

This month is also a good time to put sealant on your deck, if you have one.

July

This is a good month to repair or paint outside porch railings, wooden or cement stairs, and fences. Check the security system and doorbell to make sure they work.

Heating System Inspection

August

With the colder weather just around the corner, this is the time to get your heating system serviced and cleaned. Do not wait until winter when service people are busy making emergency repairs. If you ever smell any odors coming from the heating system, call a service company right away. A smoky smell means that you probably waited too long to have the heating system cleaned.

NOTE: Carbon Monoxide has no odor and Carbon Monoxide poisoning caused by a malfunctioning furnace is a major health hazard. To protect your family against this hazard, it is important to get your furnace checked every year. Carbon Monoxide detectors are also available for purchase at most hardware stores. If you have oil heat, annual maintenance may be provided by your oil company. Gas companies will typically provide annual maintenance for a nominal fee.

Fall and Early Winter: September through December

September

The end of this month is a good time to harvest all remaining vegetables from a garden in case of a frost.

Rake up leaves as they fall. Accumulation of leaves, particularly wet leaves, may cause lawn damage.

This is a good month to winterize your home by installing insulation and applying weatherstripping around doors and windows to eliminate drafts. If you are going to use caulking, it is good to do it now because caulking bonds poorly in the colder weather.

This is also a good month to clean the garage and lubricate the garage door opener if you have one.

October

Attics

October is a good time to clean out the attic. At this time of year the attic space is not unbearably hot, making cleaning easier. A clean attic allows you to make room for summer items that you intend to store there.

Rust Proofing

Now is also a good time to apply rust proofing paint to metal items that will remain outdoors.

Chimney Check

Before lighting the first fire of the winter, do a pest check on your chimney or stovepipe to make sure nothing is nesting there. You can also check for debris that may have fallen into the area during storms.

November

Outdoor Pipes

Winter is just around the corner. Make sure you clean the gutters after the leaves have stopped falling. In order to prevent outdoor pipes from freezing, shut off indoor valves and leave the outside faucet open. Store hoses.

Radiators

If you have steam or hot water radiators, bleed them just before you intend to use them. Bleeding means releasing the trapped air inside the pipes and requires a small, inexpensive tool. Most hardware departments should carry them.

December

Relax and enjoy the holidays. It will be time to begin again in January, and home maintenance can be tedious if you do not give yourself a break.

Conclusion

We hope this section has given you some good ideas on how to put a routine maintenance schedule in order. Keep in mind that the "month-by-month" plan is only a suggestion. You may find you have a better plan or way of organizing these projects. The important point to remember is that by establishing a routine, you will be able to better manage home maintenance tasks and your home will stay in good shape.

CHAPTER 4

HOME IMPROVEMENTS

A well-kept home can provide a sense of security and pride. In Chapter 1, you learned that financial planning is essential to the well-kept home. Chapters 2 and 3 reviewed home inspections and suggested a seasonal calendar of home maintenance and repairs. This chapter, Home Improvements, looks at some of the larger projects you may want to embark on now or in years to come, the intricate process of finding and hiring contractors to work on your home, and different ways to finance these projects.

Local Approvals

NOTE: As you consider larger projects, be sure to contact your local **zoning board and/or planning board**. There are often strict regulations about what is permissible. Additionally, some construction work requires permits, which must be obtained at the city or town hall. Check with your local building inspector to find out if your project requires a permit.

When you add a new addition or another room to your home, the appraised value (and correspondingly *your property taxes*) of your home may increase.

Developing a Timetable for Repairs

Emergency repairs occur on their own timetable. If your pipes burst in January, that is when they must be fixed. But many repairs can be planned. If you know that your electrical system is not adequate, plan ahead to have it upgraded.

Try to keep a written log of repairs to major systems in your home. There are no set rules regarding when to replace old systems. Usually people wait until things do not work to replace them. As long as you are not putting your family or tenants in danger, this is fine.

Increasing the Value of Your Home

When you think about larger projects that may increase the value of your home, you should consider what your needs are today, what they will be a year or two from now, and how much these improvements will cost. Also consider what part or parts of your home need attention first. Comparing all these factors will give you an idea of what projects should be done first. The next few pages discuss major room-by-room improvements, the

process for hiring a contractor and the need for budgeting for home improvement projects.

Kitchens

The best kitchens are those that have been thoroughly planned, so if you decide to remodel or redecorate, spend as much time as you can looking around and getting ideas. While the decor of your kitchen should reflect your personality and lifestyle, its design should be practical.

It is helpful if the sink, stove and refrigerator are situated close together in order to save steps and allow for as much counter space as possible, especially near the work area around your sink.

Also add as much natural light to the kitchen as possible. If you have to, cut away a closet, or open or eliminate a wall to add or enlarge a window.

Bathrooms

The selling price of your home may increase if you add a bathroom. Also dressing up a no-frills bathroom will make a big difference if you ever decide to sell your home.

Based on present lifestyles, you probably need a minimum of one full and one half bathroom. If you convert the attic or basement into living space, you may want to add a bathroom to that level. Plan new bathrooms near existing plumbing and heating systems to make the construction easier and less expensive. Bathrooms placed next to exterior walls provide natural light and ventilation.

If you want to enlarge an existing bathroom, look in all directions for additional space. Perhaps a closet can be eliminated or an adjacent room can be made smaller without detracting from its usefulness.

Finishing the Basement

Fifty years ago, the basement was not intended for use as a living area. In older houses, concrete walls and floor joints were always visible. Over the years, transforming basements into family rooms has become popular and may be a future selling point.

Finishing the basement is a major undertaking. First, the foundation walls have to be waterproofed. Then, the walls and

the spaces between the floor joists must be insulated, framed, and covered with drywall. During the framing, decisions have to be made as to what areas will serve what function.

A utility room can be created by enclosing the heating system, oil tank and hot water heater. In some cases, an enclosed utility room will have to include a window to provide ventilation. A closet can be created by enclosing the staircase to the first floor. A bathroom or half bath can be installed somewhere close to the plumbing. Additional lighting is a must, since very little natural light generally enters the basement.

The remainder of the space can be decorated and used as a family room, playroom, exercise room or office. A fireplace or woodstove in this room might be a nice finishing touch.

Decks and Patios

Construction of a deck or patio is simple and can be done without disturbing the home's interior. A variety of materials are available to allow for almost any architectural style. Adding on a deck or patio is also a good way to bring the outdoors closer to the family. Again, **check with your local building inspector to find out what permits are required. Failure to do this can result in fines, and in some cases, the city/town can require you to tear down the deck or patio.**

Decks are usually constructed out of redwood, western red cedar, or pressure-treated lumber. Cedar and redwood decks last longer when treated with wood preservative and water repellent. Manufacturers of pressure-treated lumber also recommend that the wood be treated with a water repellent and wood preservative, but only after the wood has had sufficient time to dry. Whether it is large or small, a deck or patio can enhance a garden or backyard.

Garages

A garage increases the value of your home considerably. If you do not mind leaving your car outside, the garage has numerous other possibilities.

A one-car garage can make a sizeable workshop or storeroom. If you convert your garage to a workshop, add electrical power to accommodate lights and power tools.

The garage can also be made into a family room or another bedroom. Remember, this will take major construction--the addition of flooring, walls, insulation, ceilings, electricity, and heat or air conditioning.

Sheds

If you do not have a garage, you might want to consider adding a shed. A shed can be built on a small space in your yard and is good for storing garden tools, bicycles, trash cans and the lawnmower.

If you are going to add a shed, stay away from cheap metal structures purchased in department stores. They tend to rust and fall apart. Instead, buy or build a wood shed that can be attractively painted to match the exterior colors of your home.

Driveways

Another way to improve the appearance and increase the value of your home is to pave the driveway. Blacktop can be applied over dirt or old concrete that has not deteriorated. The hot tar is poured over the driveway and then leveled and compressed with a roller. Coating the blacktop annually with a sealer can keep the driveway in excellent condition for many years. Sealers also make the blacktop more resistant to stains from oil, gasoline leaks from cars, and the deteriorating effects of chemicals used for snow and ice removal during the winter season.

You can apply the sealer fairly easily. The best time to apply sealer is when the weather is warm and dry, and the temperature at night does not fall below 50 degrees. The warmer temperatures help to dry the sealer thoroughly, improving the blacktop's ability to resist moisture or frost.

Windows

Windows add two essential elements to a home--natural light and ventilation. Windows also link indoor and outdoor settings, which can be significant contributions to the comfort and beauty of any home. Anything that adds comfort and beauty may also add value.

When you choose the style of window, be certain that it complements the house's architectural style, not just its interior furnishings. Placement of windows is also important. Consider which views are the most pleasant and where you need the most privacy. Also remember that sunlight varies in intensity and

brightness. Windows that face the north could cause heat loss from the house during the winter. Make sure that any windows on the north side of the house are energy-efficient. Windows facing west need to be shaded from the sun during the summer. Windows on the south also need to be covered during the summer in order to avoid the discoloration of upholstered fabrics and carpets.

Greenhouses or sun rooms are another way to bring natural light into the home. It is sometimes possible to create a mini-greenhouse by adding a single window. Or you can create the appearance of a sun room by adding plants and flowers to a room already filled with natural light. A sun room can also double as a dining room, den, recreation room or family room.

Mirrors create wonderful illusions of space and light when placed where they can produce the greatest optical advantage. For example, the feeling of space in a tiny bathroom becomes magnified if you place mirrors on two opposite walls.

Lists of projects that can be undertaken to increase the value of your home are endless. If you take time to make the right choices, you will protect your investment while getting years of enjoyment from your home.

Minor Repairs

Before you begin the home improvement process, make a list of all the improvements you would like to have done in your home. Categorize the improvements by cost, size of job, and inconvenience to your lifestyle. You may want to tackle small jobs first, so you can get used to budgeting for repairs. Save jobs that involve big money and inconveniences, such as giving up your bathroom, kitchen, or electricity, when you can handle the stress.

Starting Small

Start small. Do a simple job, like wallpapering a small room, before you take on a large room or a major electrical or plumbing job. If you are planning to do home improvements yourself, a small job will teach you valuable lessons you can use for bigger jobs -- maybe the lesson will be to hire somebody else!

Repair People

If you want to add more electrical outlets, you will need an electrician. For bathroom fixtures, hire a plumber. Some jobs do not need specific professionals; you can hire a general handyperson to erect a fence around your property, build shelves, or paint your deck.

Licensing

When hiring someone to wallpaper or paint, you will not need to hire a licensed worker. However, when it comes to plumbing, heating, or electric work, your safety is at risk. Hire someone who is registered with the State of Massachusetts and insured.

For small repairs or minor improvements you may want to get at least two or three written estimates from the appropriate professional. When asking for a price be sure you know exactly what you want done, and that you communicate it--clearly--to all the bidding contractors so that all the bids you receive are based on the same materials and work required. Although some jobs seem straight forward, i.e. window replacement, if you accept a telephone bid without the contractor coming to your home, the actual and final price for the work done may end up costing you much more. Always request that any contractor bidding for work in your home inspects the work to be done *in person*. *There is no cost to you for these bids.*

Compare the price estimates and speak to the individual contractors to make sure everything you need is covered in the quoted price. Once you have selected the contractor, make sure you both sign a contract or sign off on the written estimate. Remember: oral bids and estimates are legal but *if something goes wrong it will be your word against the contractor's. Get everything in writing.*

Major Improvements

When considering major improvements to your home, do not try to do it all at once. Live in your new home for a year, then prioritize your needs and the needs of your home -- plan with cost, time and inconvenience in mind. By careful planning, and "thinking the whole project through" from start to finish, you will make careful, well-informed decisions about your major home improvements.

Not everybody is cut out to perform home improvements; botching a job in your home could decrease the value of your

property. Either do it right, or hire someone else -- a contractor -- to do the job. If you decide to hire someone, there are a few steps you should follow.

Check with your local town or city offices to determine if you need local approvals for the improvements you are planning. In addition, the approval process may require that a plan be submitted -- designed by an architect -- to the necessary planning, zoning or historical commissions. The architect will not only lay out the design work but will give you an estimate of what the work will cost.

Once your plan has received local approvals you are ready to hire a contractor to do the work. You may, of course, decide to do the work yourself. However, unless you are a professional contractor with experience, hiring a general contractor is recommended. *Remember: you may run into problems if you manage a major home repair or improvement project yourself.* For example, if the electricians fall behind, the work of other subcontractors such as sheetrockers, may be delayed. Also, if one subcontractor abandons the job, your whole project is on hold until you find a replacement. Since each subcontractor is responsible for his/her own work, there is a lot more supervising you must do to make sure the project is running smoothly.

Learning Resources

There are many books that can help you communicate your needs to a contractor. There are many good books written for the do-it-yourselfer; these books are useful even if you plan to hire a contractor. They explain jobs clearly, giving you a detailed explanation of the work you need done. A great resource for these books is your local library.

It is not necessary to be an expert on the desired improvements unless you plan to do the work yourself. However, it is important for you to have a general understanding of what is involved in the job.

Public television and cable stations also offer a variety of home improvement shows that can be very informational. Tape the shows if you can; it is hard to take in everything if you watch it only once.

Selecting a Contractor

NOTE: The only downside of these shows is that they make you believe you can undertake any job yourself. Some jobs you will be able to handle. Other jobs will be too difficult. Be aware of your limits and be honest with yourself.

The most obvious place to find a contractor is through friends. The Resource List at the end of this chapter also provides telephone numbers of Massachusetts State Offices that will be able to send you lists of state registered contractors.

If you have a contractor in mind, call the Attorney General's office to see if there have been any complaints filed against him/her. If your potential contractor claims to be registered, ask to see the contractor's registration number. Then verify the registration by calling the Director of Home Improvement Contractor Registration, (617) 727-8598. Even if a contractor comes highly recommended, get at least one other estimate.

Ask for references from previous clients and inspect the professional's previous work if possible. In many cases, you can get sound referrals from your nearest neighbor. Remember, it is a sign of good performance when a trades person can rely on word of mouth.

With all contractors, do not be afraid to find out as much as you can about their qualifications. Since they will not be furnishing you with a resume, it is your responsibility to ask them lots of questions.

Interviewing Contractors

Questions to ask a potential contractor:

- (1) How long have you been in business?
- (2) Have you done any work in this area before? If so, find out where and for whom (i.e. references) and try to go and see the work yourself.
- (3) Are you covered by insurance in case of an accident? How about the subcontractors, or other workers? Do you have workmen's compensation? (You do not want to be stuck supporting a subcontractor who slips on your steps while carrying a two-by-four.)

(4) If hired, when are you available to start work?

(5) How long will this job take?

Find out how many other jobs a contractor you are considering has that overlap yours. You want your contractor to devote his full attention to your job, not someone else's.

Do not be intimidated by contractors. Yes, they know more about the job than you do. If you have done your research, (never start a job without research) you should know the basics of what needs to be done. Ask questions about anything you do not understand, especially where unanticipated costs are involved. If a contractor is unwilling to explain things to you using language you can understand, it is best to use another contractor.

Once you have identified 2 or 3 contractors, you should request a bid from them based on the work you need done. If you have engaged an architect, you will have received a detailed list of work and an estimate of costs. The contractors should be given a copy of this design so that all bids are based on the same work. If you do not hire an architect you should have a ballpark figure of what the materials for the job should cost. A very low bid could seem perfect until you realize that the poorest quality products will be used in your home. For example, if you are having your bathroom tiled, go to several stores and find out what the different qualities and types of tiles cost. Have the contractor specify which tiles will be used on the bid.

Bids

A bid reflects what a contractor really thinks the job will cost. Profit, overhead, labor, and materials are all taken into consideration. All materials should be itemized. In small jobs, the bid is often used as the contract. If you do this, make sure it has been signed by all parties and states that it is the contract.

Read bids carefully. Be sure that clean-up is included in the cost -- and the contract.

Unless it says so, the bid is not the final price. As work proceeds, surprises are bound to occur that may include work not covered by the original contract. These charges will add to the total cost

of your project. This is a good reason to go with a contractor who is registered with the state and has had no complaints filed against him or her.

Never accept a bid that is vague in any way. If things go terribly wrong, you may have to use the bid in court--make sure it outlines everything you expect to be included in the price. The bid is a promise made to you by the contractor. If a particular piece of work is not included in the bid, chances are the contractor has no intention of doing it.

You will be surprised by how much bids can vary. How can one contractor bid two thousand dollars less than another contractor? You will need to investigate the differences. This is why you need to be aware of the actual costs and procedures involved in the job you want done. Make sure all the contractors bid on exactly the same work plan, but never reveal the amount of one contractor's bid to another contractor.

Once you have selected a contractor, a contract must be drawn up by either you or the contractor. Before you sign the contract, be sure it includes:

- The total price of the work
- The payment schedule
- A provision for changes or "extras"
- A detailed list of specifications and materials
- Starting and completion dates
- A copy of the contractor's insurance policies (make sure your contractor carries liability insurance and provides workmen's compensation to all of the people who will be working on your property)
- Any and all other details particular to your job

If it is a large job, consider hiring an attorney to review the contract, and perhaps suggest any provisions you may have left out. **Make sure the contractor gets the building permit in his/her name and not yours** so you are eligible to apply for financial relief from the State's Guaranty Fund (discussed later in this chapter).

The Contracting Team

The contractor that you choose can subcontract all other workers needed for the job. In this case, the contractor is referred to as a "general" contractor with responsibility for the work of the subcontractors. The work of both general and subcontractors should be included in the bid. You will pay the general contractor, who will in turn pay the subcontractors.

This method will save you time because you will not have to review individual bids and make a selection for each subcontractor. The general contractor often knows the subcontractors and is confident in their work. This is a good way to go if you do not want to take on the responsibility of supervising the work. The general contractor will be responsible for all problems that come up and the quality of the final product.

The Home Improvement Contractor Law

In 1992, Massachusetts passed a law regulating the practices of Home Improvement Contractors. The law is designed to protect homeowners from scams, and to provide a fair system for resolving disputes. This law has stiff penalties so that contractors who engage in questionable trade practices will be motivated to do business legally, and honestly. The Resource List at the end of this chapter lists both the Governor's Office of Consumer Affairs, and the Office of Home Improvement Contractor Registration. Both offices offer information and pamphlets about this law.

The Guaranty Fund

As part of the Home Improvement Contractor Law, a fund was established called the Guaranty Fund. If a consumer is awarded a judgement against a contractor (through court action or state-approved arbitration) and the contractor cannot pay due to bankruptcy filing or flight, the consumer may apply to the fund for up to \$10,000 to recover unpaid damages.

Obtaining a judgement against a contractor will cost you a lot of time and legal fees. Even if you use state approved arbitration, a court must enforce the judgement before you can apply for damages through the Guaranty Fund.

Paying for Home Repairs

There are several ways to pay for home improvements and repairs. The best way is to have the money saved. Since you will need repairs eventually, start saving as soon as you buy the

	<p>house by opening a reserve/repair savings account which you may add to on a weekly or monthly basis.</p> <p>No matter how you get the money to pay for home improvements or repairs, never pay cash. Pay by check, credit card, or money order so that you have proof that you made the payment.</p>
<p>Home Improvement Loans</p> <p>Grants</p>	<p>You may need to take out a loan to make repairs or improvements. There are several sources of funding for these types of loans. Some are public and some are through lending institutions. Many cities and towns across Massachusetts have low interest loans and home improvement grants available. These funds are usually from the Department of Housing and Urban Development (HUD). Homeowners should inquire at their city or town hall for all available resources.</p>
MHFA Loans	<p>MHFA offers a program for these types of loans called the Home Improvement Loan Program. A HILP loan is offered at the same rates as MHFA's general lending loan programs. The minimum loan amount is \$2,500 and the maximum is \$15,000. Loan terms range from six months to fifteen years and are adjusted to accommodate the borrower's monthly expenses and overall debt service. You can find out all the details of MHFA's Home Improvement Loan by contacting MHFA at (617) 854-1020.</p> <p>A home improvement loan may also be obtained from your lender and is called a second mortgage. You will, however, be charged a higher interest rate than you were for your original mortgage, and the bank will want you to pay the loan in full within five to ten years.</p>
Home Equity Loan	<p>A home equity line of credit is another way to finance major home improvements but you must be careful with these types of loans. Although you only pay interest through <i>the term</i> of the loan, the full loan amount is due and payable at the end of the loan period -- and you must be prepared to pay it off. If you cannot pay the loan amount back to the bank, you may be in jeopardy of losing your home. Know <i>the details</i> of the terms of the loan before you borrow, and make sure you are in a financial position to adhere to them.</p>

WARNING: Be sure to go to a reputable lending institution. Many homeowners have paid very high interest rates, have had to pay back huge sums of money in one bulk payment, and have taken out loans that end up costing them much more than they anticipated. Check the interest rates on these loans to make sure you can make your mortgage payments and the home loan payment.

Summary

Unfortunately, when it comes to home repair, scams are very common. We advise you never to use "door-to-door" salespersons for vinyl siding, driveway paving, window replacement or the like. Always check references, licensure (when available), and make sure you hire someone *you found* and not who found you. It is very easy to avoid scams if you do the work to make sure the home repair person is reputable -- but you have to do your homework first. And remember the old adage: if someone offers you a deal on home repair that sounds too good to be true, it probably is. Avoid scams by verifying that the contractor you want to use is reputable, and that you take your time and proceed through the entire repair or improvement process carefully.

Overall, the most important aspect of making major home improvements or repairs is to budget for the work. If you strap yourself financially, you will regret taking on the project in the first place. Eventually you will find the balance between what must be done, and what you would like to be done. Use all the resources available when it comes to maintenance and increasing the value of your home. You will learn to make wise decisions and increase the "livability" of your home each step along the way. Good luck!

Contractor Check List

To check on a contractor's registration:

Director of Home Improvement Contractor Registration
One Ashburton Place, Room 1301
Boston, MA 02108
(617) 727-8598 or (617) 727-3200

To check a contractor's complaint history or to file a consumer complaint:

Attorney General's Office	(617) 727-8400
Better Business Bureau	(617) 426-9000
	(508) 755-2548
	(413) 734-3114
Board of Building Regulations	(617) 727-8598

To obtain applications for arbitration or the Guaranty Fund, or a booklet about the law:

Executive Office of Consumer Affairs and Business Regulation
One Ashburton Place
Boston, MA 02108
(617) 727-7780

For a list of member contractors:

National Association of the Remodeling Industry

Eastern Mass. Division	1-800-464-NARI (ext. 6274)
Western Mass. Division	(413) 747-3172
Builders Association of Greater Boston	(617) 773-1300
Home Builders Association of Massachusetts	1-800-632-8168

CHAPTER 5

HOME SAFETY, SECURITY, AND ENVIRONMENTAL ISSUES

Safety Tips

As a new homeowner it is essential that you think about protecting your home from vandalism and burglary. The following material offers a number of low-cost safety and security measures to help you protect your home.

Home Security

There are several types of security measures that can be utilized to reduce losses due to criminal activity. They are:

- (1) Property barriers, normally found at the edge of property (i.e. fencing, gates, etc.);
- (2) Exterior security and locks on all entryways, including windows;
- (3) Interior areas of the home (alarms, key control, fire safety, etc.).

The following pages describe some of the security measures homeowners may want to consider in order to insure the safety and security of their homes.

Property Barriers

Property barriers help define the outside or perimeter of the home. They are designed to provide a physical and psychological deterrent to those who might contemplate entering the property uninvited, whether or not for the purpose of committing a criminal act.

Fencing

Fencing, one type of property barrier, is recognized as an excellent physical means of controlling entry. More and more homeowners are utilizing this approach for appearance as well as safety. When considering fencing, pinpoint why you want to install a fence. Is it security to prevent individuals from entering your property? Safety and child protection -- to keep the children in the yard and keep them from running out into the street? Aesthetics -- to increase the value of your home? Privacy--so you can relax in the yard without your neighbors or passersby seeing what you are doing?

Landscaping and Shrubbery

All these factors should be considered when determining the type, size, and cost of fencing.

In areas where appearance is an important consideration, you may want to construct your fence of concrete blocks, bricks, wood, or decorative iron. The barrier does not have to be of great height to offer protection. It can be designed to be inconspicuous if supplemented with other safeguards such as landscaping or shrubbery.

When considering landscaping as a property barrier, it is important that the homeowner realize that the addition of foliage at times will camouflage intruders instead of deterring them. Careful consideration must be given to place foliage where it will not be a safety hazard.

- Shrubs should be kept clear of all possible points of entry or exit.
- Shrubs should be 18 to 24 inches away from entry level windows.
- Tall shrubs or trees should be trimmed from the bottom up to assure visibility.

Exterior Lighting

Good lighting serves as one of the most effective property barriers available to the homeowner. Basic areas of consideration for property lighting are:

- doorways (garage, doors, basement entries, and all other entrance or exit doors);
- sidewalks and parking lot areas;
- backyard and pool areas.

Transitional lighting provides a gradual light-level change from brightly lit areas to dark areas. By using an incandescent 60 watt lamp adjacent to the bright area (along walkways, front entry ways, garage and parking lot areas) glare is reduced and the transition from dark to light areas is safer.

Emergency Lighting

Emergency lighting is generally used in times of power failure or other emergencies when lighting and electrical systems are inoperative. The unique feature of this type of system is that it is based on an alternative power source, such as a gas powered generator or batteries. Remember that batteries must be changed periodically to avoid system failure.

Automatic Lighting Control

Controlling the time that a light goes on or off is an important aspect of a security system and the safety of the homeowner. Two basic means of automatic light control are used to regulate the hours of operation, the *timer*, and *photoelectric cell*.

A timer is an electric clock which operates a set of contacts through a present turn on/turn off cycle. Some timers can be multi-programmed to turn a light off and on numerous times within a 24-hour period. Timers are versatile and can also be used to operate other appliances such as a radio or television when you are away from home and do not want the property to look vacant.

The photoelectric cell is widely used to control outside lighting. With the photocell, the amount of light falling on the cell determines whether the light is off or on. When the sunlight disappears your lights will go on and when sunlight hits the cell the lights go off. The advantage of the photocell over the timer is that the photocell automatically compensates for the changes in times of sunset and sunrise. For residential lighting, photocell units come supplied with the fixture or can be added to an existing fixture.

Building Exteriors

The exterior of a building must also be secured. Vulnerable points of entry to your home include windows, doors, skylights, fire escapes and the roof.

Doors

Doors are the normal point of entry into any home and should be an important safety consideration. In addition to opened or unlocked doors, other vulnerable features to consider are the frame, hinges, door panels and locks. A few "rules of thumb" to keep in mind, are:

- Door frames should be constructed of heavy material and braced;

- Door hinges should be installed on the outside in a manner that will prohibit removal and/or tampering;
- Doors should be made of solid construction. If wood is used, the door should have a solid core.
- Overhead, sliding and accordion style doors should utilize specialized cylinder locks, padlocks, sliding bars, bolts and cross bars as needed.

Types of Doors

There are three basic types of materials used to construct doors: wood, metal and aluminum.

Within the three types, many variations exist:

Hollow Core Door--constructed of thin sheets of wood paneling covering a wooden frame with cardboard filler for support. This door is not recommended for security.

Pressed Wood Door--similar to the hollow core, this door also is constructed of thin sheets of wood paneling but covers a sturdy frame with pressed wood or particle board in the middle for support. This door has all the features of a solid wooden door and is often recommended as a security door.

Solid Wood Door--is generally constructed of either a single piece of wood or several pieces placed together. This type of door is highly recommended as a security door.

Metal Door--is constructed of sheet metal and reinforced on the sides, tops and bottoms. This door is also recommended as a security door.

Aluminum Framed Door--is framed in aluminum with glass inserts. Since aluminum is a soft metal, it will require reinforcement.

Locks

There are several locks available to the homeowner, and careful consideration should be given when choosing the lock to protect

your home and property.

One type of lock that is recommended is the double-cylinder dead bolt. As the most commonly used lock by homeowners, it is highly effective in preventing loss and comes in a variety of different styles.

The double-cylinder dead bolt is locked and unlocked by a key from either side. The dead bolt automatically locks when the bolt is fully extended. The dead bolt must have a minimum of one inch throw to be considered secure. It is recommended that homeowners who use this lock keep the key in the lock when at home as it could be quite difficult to find the key in an emergency.

The single-cylinder dead bolt is locked and unlocked by a key from the outside. The dead bolt is locked by the thumb turn on the inside.

Alarm Systems

The objective of this section is to introduce you to the fundamental components of an alarm system as well as some of the basic terminology associated with intrusion-detection systems. Considered an effective deterrent, the alarm is one of the tools available to the homeowner to reduce crime risks.

The alarm acts as a strong psychological deterrent to a potential burglar. As the risk of detection and apprehension goes up for the burglar, the risk of victimization and loss goes down for the homeowner.

The alarm is comprised of three fundamental parts: sensors or detectors; the control unit; and an annunciator (or reporting device).

Sensors or Detectors

The sensors or detectors do exactly what the names imply -- they sense or detect intrusion into a protected area.

You can select pressure detectors that sense the weight of an intruder on wired floorboards; hearing detectors which use an ultrasonic device; or sight detectors, such as photoelectric beams, or "motion detectors."

Control Unit

The second fundamental part of an alarm system is the control unit. This part of the system acts as the brain--receiving, transmitting and interpreting messages sent by the detectors. The control unit provides the interface between the human operator and the mechanical/electrical system

Control units are varied according to their requirements and the jobs that they are expected to perform. The control unit supervises the power supply, and the on/off switch for the entire system. It is usually operated by a key pad placed near the point of entry for quick access when entering or exiting the home and can be manually operated with a key to prevent unauthorized persons from turning the system on/off. Many control units are also equipped with built-in circuit test meters for the convenience of the user in checking the status of the protective circuit.

Annunciation System

The last of the three fundamental parts of an alarm system is the alarm device, or annunciation system. There are basically two categories that should concern the homeowner -- (1) *local* and (2) *remote or central station*.

Local Alarms -- include systems using bells, sirens, buzzers and/or strobe lights which are located at the home or protected site.

Central Station Alarms

Remote or Central Station Alarms -- sometimes referred to as "silent systems" transmit the alarm signal to a remote monitoring station from the protected premises.

Some homeowners want to scare the would-be burglar away before he/she can complete their act of burglary. The **Local System** is designed for this purpose. Still others desire to apprehend the burglar in the act. For this purpose, the **Remote System** (silent at the protected premises) is best suited.

Most hardware in the alarm industry today is good; problems occur when we add another necessary link, and that is the human factor--dealers, installers, operators and response. If you are going to invest in an alarm, make sure you are dealing with a reputable company.

Cost

The cost of a security alarm system will vary depending on the type of system. The **hard-wired systems**, require a physical wire running from the sensor to the control panel and will require professional installation. The **wireless systems**, using passive infrared motion detectors, are sold over the counter and can also be professionally installed. Local or remote, the number of sensors, the company with whom you choose to do business, national versus local, and monthly fees for monitoring, will all affect the price.

Many insurance companies give a 10% to 15% discount off the homeowner insurance policy to homeowners with alarms. It is important to check with your insurance agent to learn more about the possible savings you will be entitled to.

Smoke Alarms

According to the National Fire Prevention Association, in 1989 80 percent of all fire deaths occurred in the home. Over fifty percent were preventable had the homeowner provided enough detectors placed in the proper locations or checked batteries.

From the perspective of the household early warning system, six elements need to be examined in terms of the essential steps:

- Minimizing Fire Hazards;
- Type of System;
- Installation of Smoke Detectors;
- Maintenance;
- Testing;
- ▶ Escape Planning.

Minimizing Fire Hazards

Minimizing fire hazards around the home is key. Care should be taken in the use of all potential heat sources (e.g. tobacco products, self-contained heating units, cooking equipment, electrical system, appliances, and lighting elements). Special attention must be given to removing all unnecessary flammable liquids and other highly combustible items. Those that you intend to keep should be placed in a metal cabinet and secured.

Further, strict adherence to building and fire codes on any home construction and the use of power equipment will help to reduce your risk.

Smoke Detectors

Residential fire detection systems may range in size from single station smoke detectors in an apartment or condominium to a centrally wired system containing numerous detectors and separate alarm signal devices. The fire detection system may be combined with a burglar alarm system and an emergency medical alert system. The number of devices and the complexity of the system are determined (1) on the low end, by the minimum acceptable for a given dwelling, and (2) on the high end, by the needs of the occupants.

Single Station System

A single-station smoke detector is a self-contained fire alarm device that consists of a smoke sensing chamber, an audible alarm that emits a loud signal and runs off batteries, (or has the provision for a separate power source).

Hard-Wired Systems

A hard-wired system will include all the elements of the single-station system but is connected directly to the electrical system and does not require batteries but may use them as a backup.

Installation of Smoke Detectors

Full effectiveness for a household warning system includes the right number of the right kind of detectors, located in the right places and operating properly. In line with fire safety standards, the acceptable minimum consists of one smoke detector outside sleeping areas, one on each floor, and one in the basement.

It is recommended that the minimum package be supplemented by additional detectors in other areas as needed. For example, a detector should be located inside each bedroom (especially if the occupants sleep with their door closed), in living rooms, play areas, and areas where family members smoke. Each additional detector provides valuable time for the family to escape.

When smoke detectors are installed, the detectors should be arranged so all the alarms sound when any one device detects smoke. This can be done either by installing multi-station smoke detectors, or a complete system with detector panels and separate alarm sounding devices.

Detectors should be located on the ceiling at least 12 inches from the wall (*never in a corner*) or on the side wall, 4 to 12 inches from the ceiling to the top of the detector.

On floors containing bedrooms, the ceiling of the hallway should be considered. The detectors should be located no closer than 3 feet from a heating vent so that air issuing from the vent will not blow smoke away from the detector. Some smoke detectors are not recommended for garages, where automobile exhaust might cause alarms, or for attics or other unheated spaces where extremes of temperature or humidity might affect their operation. Before you install a smoke detector in any area, make sure it meets the specifications for that area of the house.

Maintenance

Equally important as the installation, is proper maintenance of the detectors. Each residential detector comes with an owner's operation booklet describing the proper maintenance procedures. **A smoke detector with dead or missing batteries will be useless in a fire.**

Homeowners should maintain the detectors in accordance with the recommendations of the equipment manufacturer. This means little more than keeping the equipment clean and free of dust, and replacing batteries when needed. Detectors should never be disconnected due to nuisance alarms. If a detector is removed from its mounting bracket to stop a nuisance alarm caused by cooking, place the detector in an obvious location as a reminder to remount it.

Testing

The importance of testing smoke detectors cannot be emphasized enough. Smoke detectors are basically electronic devices, and since all devices will fail at some time, you are encouraged to test your system periodically. Most detectors are designed with a small button that, when depressed, will cause the alarm to activate.

Escape Planning

The last key element in the residential fire protection system is the development and practice of a family escape plan. Remember, smoke detectors do not extinguish the fire, and depending on the speed at which the fire is developing, the amount of time available for your family to escape may be limited. It is critical that all occupants leave the home immediately, and call the fire department from a neighbor's home.

Many deaths have resulted from people who unwisely take extra

time to get dressed, gather valuables, or look for pets. Also, it is important that everyone have an alternate way out in case the primary exit is blocked by fire. Identify a prearranged outside meeting place so everyone will know that the entire family has escaped the fire.

ENERGY CONSERVATION AND ENVIRONMENTAL ISSUES

By making improvements to your house that reduce the demand for heat, cool air, or light you can save money. In addition, improving the energy efficiency of your home lowers the demand on our natural resources, leaving more for future generations.

Heat Conservation

As a New Englander, the first place you should look to save money is your heating bill. If you have an older or poorly constructed house, much of the heat that comes out of the radiators, heating vents, or wood stoves escapes out of the house. Get in touch with your local town hall to find out what services are available in the way of energy assessment, and contact your utility companies to see whether they offer in-home assessments of your heating system.

Start by checking the obvious place anything gets in or out of your house--the doors. Begin with the most basic concept; if the door is open, heat is leaving the house. Keep this in mind when you let the dog out, get the mail, or run out to warm up the car. If you do not close the door tightly, you are paying for heat which is going outside instead of heating your home.

Next look at how securely your doors close. Run your hand around the edge of the doorway. If you feel cold air coming in, that is costing you extra money. You can save money by making sure that the cold air stays outside. You have several ways of doing this. The most expensive, but best looking and most efficient way is to buy new doors. Consult with the salesperson about which door will create the most airtight seal.

The highest quality door will not protect you if the problem is not the door, but the doorway. If a lot of cold air, or draft, is coming in through your door, it may be that the doorway is

crooked. This could be the case in an older home, where the foundation has settled unevenly. If this is the problem, try weather stripping. You can buy this product at the hardware store and staple it to your doorway. Weather stripping is made of either felt or plastic and, if installed properly, can greatly reduce the amount of draft which enters your home. If you only feel the draft at the bottom of the door, you can apply weather stripping there or a draft guard, or you can use a pillow or some other object to cover the draft. This does not work as efficiently, but is better than nothing.

Drafty Windows

Next, look to your windows for drafts. If you have older wooden windows, most likely they are not airtight. If they rattle when there is a heavy wind, you can be sure that cold air is coming into your house, and your heated air is leaving. Storm windows are helpful, but they are not as efficient as modern windows. New windows are an excellent investment which are certain to save you money on your heating bills. Shop around for windows; there are many different types on the market today. If possible, talk to a sales associate in three different stores before choosing your new windows. Ask friends who have recently built homes or installed new windows in an older home how they feel about the brand they chose.

To prevent energy loss around your existing windows, apply weather stripping or caulk your windows. Weather stripping can also be applied to doors. Caulk is a substance with the consistency of clay that you apply to your windows to avoid drafts. Caulk differs from weather stripping in that you will ruin the caulk if you attempt to open or close the window while it is caulked. It is not messy to apply, and does a good job keeping its seal. You can remove the caulk easily in the spring when you want to open the window again.

All of these tips are also relevant in the summer if you want to keep the heat out of your house. Pulling the window shades down on sunny days will help to keep your house cool in the summer, just as the sunlight will help heat your house in winter--provided your windows are draft-free.

Heating Tips

So, now you have a draft-free home. How else can you conserve energy? Depending on the sacrifices you are willing to make, the

possibilities are endless. You can save on heating costs by not keeping your house as hot. If you consistently keep the house two degrees cooler, say sixty-eight degrees instead of seventy, for the entire winter, you will be amazed at the money saved. Experiment with different temperatures to see what is necessary to keep you comfortable.

Newer thermostats will automatically raise or lower the heat at programmed times. This is a great way to save money. If everyone in your household is gone all day, you can set the heat to go down when you leave and up an hour before people get home. This way, you will not have to pay to heat an empty house, and you will not have to come home to a cold house. Do not go overboard. If the heat is off, or too low in the winter, you run the risk of freezing the water in the pipes. If your pipes freeze, they will most likely burst with the pressure, and you will be faced with repair bills that are much higher than the amount of money you saved by turning the heat off.

NOTE

When trying to conserve energy, be aware that anything that produces either heat or cold (e.g. air conditioner, oven, heating system, refrigerator) is the biggest drain of electricity.

Conserving Electricity

Electricity is also often wasted in the house. If you have electric heat, you can save a lot of money by decreasing drafts and only heating when you need to. If you own a home with electric heat, you may want to look into having it switched to another form of heat, like oil, gas, or wood. While electricity is a very clean, safe method of heating your home, it is widely considered the most expensive. For multi-family homeowners, though, it is the most convenient, since it is inexpensive to install, takes little maintenance, and each unit can have its own electric meter.

Electricity is fairly inexpensive, yet it adds up quickly. The easiest way to save and conserve electricity is not to use it. If nobody is in a room, do not leave a light, radio or television on in that room. Once you get used to turning off the light when you leave a room, it becomes second nature. If everyone in your house is aware of where the bathroom is located, there is no need to leave the light on all night. Small lamps are electricity savers. They usually have only one light bulb; overhead lights use several bulbs. If you have a reading light near your chair with

one bulb, it will be as bright as the overhead light, which uses four bulbs. A small lamp, easily accessible from the bed eliminates the need to leave the hall or bathroom light on all night. If small children need a light to sleep, purchase a night light. They use far less electricity than leaving the overhead light in the child's bedroom or the hall light on all night.

The refrigerator is powered by electricity. The longer the door is open, the more electricity is used cooling the interior. Train family members not to stand in front of the refrigerator with the door wide open for long periods of time.

There are light bulbs on the market that help to conserve electricity. These bulbs often use a lower wattage, yet emit the same amount of light as traditional, higher wattage bulbs.

The best place to look when trying to conserve energy is your utility company. All utility companies have literature they will send you on how to save money and conserve energy. Some companies will give you a home energy audit, free of charge. They will visit your home and give tips on how you could be heating, cooling, lighting, or using your appliances more efficiently. Some electric companies will give you free energy efficient light bulbs. Call the customer service number on your bill to receive information on these services.

Septic Systems and New Title V Regulations

In March, 1995, Massachusetts changed the regulations concerning septic systems, known as Title V. If your home is in a city or town that has public sewer and you are connected to this system, these regulations do not concern you. If, however, the city or town you live in is small or rural and does not provide sewage disposal, the new Title V regulations will affect you as a homeowner. The new rules require anyone selling a home, adding bedrooms, or in any way increasing sewage flow to have their septic system inspected for leakage that can contribute to pollution. If the septic system is not in compliance with the new regulation, it must be replaced or repaired and brought into compliance through your city or town inspector's certification.

If you have questions about your sewage system, the hotline number for questions is 1-800-266-1122.

If your septic system needs to be replaced or repaired, your city

or town may have low-interest loans available, and MHFA has approved funds within its Home Improvement Loan Program for this purpose. As a smart homeowner, you should be well informed about the type of septic system you have, its condition, and what may need to be done to bring it into compliance with Title V regulations.

The following list will guide you through the basic care and maintenance of your septic system.

- Pump out your tank and have your system inspected every three to five years.
- Use the garbage disposal sparingly.
- Divert roof drains and surface water run-off away from the septic system.
- Keep a map of the location of your system components.
- Use household chemicals in accordance with product labels.
- Don't drive or park over any part of the system.
- Don't plant shrubs or trees over the system.
- Don't use the toilet for trash or food disposal.
- Don't dispose of cooking oil, fat or grease in your septic system.
- Don't pour hazardous chemicals down the drain.
- Don't use commercial septic system additives. At best they are harmless and a waste of money and, at worst, they hurt your system.
- Don't make or allow any repairs to your system without the proper permits from your board of health.
- Make sure your leach field is not in ground water.

Lead Paint

Lead poisoning is extremely dangerous and primarily affects children up to the age of 6. Children under the age of 6 are more likely to be exposed to the hazards of lead paint by ingesting lead dust and putting paint chips in their mouths. Low lead levels in the body lead to a low IQ, reading and learning disabilities, impaired hearing, hyperactivity, reduced attention span and behavioral problems. High levels of lead in the body can cause permanent brain damage as well as damage to the central nervous system and kidneys. Very high levels of lead paint cause mental retardation or death. Adults can be affected by lead paint poisoning as well. Pregnant women should be aware that their unborn babies are at risk. If a pregnant woman ingests lead paint or drinks water in an older home that has lead pipes, her unborn children are at risk for lead poisoning.

The Massachusetts Lead Law is very strict. If you are a residential property owner and you have a child six years old or younger residing in that property, the law requires you to abate or remove the lead-based paint from your home.

Lead based paint was banned from use in residential properties in 1978. However, lead poisoning continues to be the number one environmental disease affecting children. The continued presence of lead paint in homes creates an urgent health concern.

If you are the owner of a two-to-four family built before 1978, you must have the home inspected for lead if a child under six years of age lives there. If lead hazards are found, the lead must be removed or abated. If you do not comply with the law, you are running the risk of criminal complaint and court order.

If you have chipping or flaking paint, determine if lead is present in your home by calling a state licensed lead paint inspector. If you have lead paint, it must be removed by a state licensed deleading professional. *Never try to remove lead paint yourself.* You could spread dangerous dust into the air throughout your home. During the deleading process, you will be required to relocate.

Note: The Childhood Lead Poisoning Prevention Program allows property owners and their agents to perform certain low risk abatement and containment without a

deleader's license. However, owners and agents must obtain and review educational material produced by the Childhood Lead Poisoning Prevention Program prior to attempting any abatement, and complete and return a self-corrected exam. For further information, call (617) 753-8400.

If you do have lead paint in your home, and it is chipping, **DO NOT TRY TO CLEAN IT UP WITH THE VACUUM CLEANER!** This will only turn the chips into dust that floats in the air and is breathed in by everyone who is in the house. If you must be in the house, clean up the chips by wet sponging and mopping with detergents containing phosphate, such as tri-sodium phosphate, or other lead-specific detergents.

NOTE: Lead paint is still used for structures like bridges, railroad overpasses, and water tanks. If you have children, be aware of the risks involved when your children play around these structures.

Financing

There are loan and grant programs available to homeowners and investor-owners of one-to-four family structures for deleading. MHFA has a no-interest loan program for low- and moderate-income eligible homeowners, and a low-interest program for investor-owners. If you have the lead removed from your home, you may qualify for a State Tax Credit up to \$1,500. See the Resource Directory, Chapter 9, for names and telephone numbers of agencies involved in lead paint programs.

Radon Risks and Radon Detectors

Radon is a naturally occurring, colorless, odorless, tasteless gas. It cannot be detected without a radon detector.

Radon is naturally found in soil and rock. It occurs when elements such as uranium and radium are broken down. It gets into your home through dirt floors, cracks in concrete floors and walls, building supplies, and water.

The symptoms of high radon levels are headaches, dizziness, mental confusion, shortness of breath, nausea, and vomiting. These effects are reversible if the victim is a generally healthy person. Lung cancer, the extreme effect of radon exposure, is not reversible. If you feel that someone in your home has been exposed to high levels of radon, do not test with a hardware

store kit. Contact the EPA immediately for advice.

Homes which are energy efficient are at risk for high radon levels because they are close to airtight, so no radon escapes. In order to decrease your risk of radon exposure, keep air flowing through your home. Open windows and vents whenever possible. Radon tends to stay near the basement; do not spend a lot of time there. This does not mean that drafty homes are not at risk. Any one can have a high level of radon. If other homes in your neighborhood have been tested and declared safe, that does not mean your home is safe. The only way to know for sure is to have your home tested.

Radon Testing

Should you test for radon? It can't hurt. If anyone sleeps in the basement of your home, definitely test for high levels of radon. Also test if you have dwellers who spend a majority of their time in the house. The most effective method of checking the radon level in your home is to have it professionally tested. Call the radon contact of the State Board of Health, and get a list of Radon Control Contractors who meet the EPA's Radon Contractor Proficiency (RCP) Program. Choose your radon contractor as you would choose any home improvement contractor. Make sure to get references and an estimate. Get several estimates if you are able. RCP Contractors have photo-ID's. Ask to see it. Always ask for proof that the contractor is insured.

The RCP Contractor will look at your home and advise you which method of testing would be most effective. There are two kinds of tests--*long term* and *short term*. Long term will give you the most accurate radon level. No matter which type of test is used, you will need to comply with certain conditions, like not disturbing the airflow in that part of the house that is being tested.

For short term, you can also test for radon yourself. If you choose to do this, buy a radon kit that is EPA-certified and follow the directions carefully. Do-it-yourself kits can be found in hardware and other retail stores.

If the tests show that you have a dangerously high level of radon, do not despair. It can be remedied. Generally, reducing

radon levels means sealing cracks in the foundation and installing a series of pipes and fans, call "sub-slab depressurization." This must be done by a professional. While it may seem expensive for improvements you cannot even see, you will be decreasing the possibility of getting lung cancer.

Do not let your RCP Contractor begin work without a contract. Make sure the contract states that the Contractor will clean up and repair any damage done to your home while work is being done.

Your radon reducing system will need periodic maintenance. Fans last about five years. Retest your home for radon every two years to ensure that your fans are working well.

Carbon Monoxide

Whether you heat your home with oil, natural gas, propane, coal, or wood, your heating system can produce carbon monoxide (CO) if it is not working properly, or if it is inadequately vented. Carbon monoxide is odorless, colorless and tasteless, but very toxic. Because you cannot smell it or taste it you can be overcome by carbon monoxide before any symptoms are noticed. Signs indicating the presence of carbon monoxide in the home include stuffy, stale or smelly air, very high humidity or soot coming from a fireplace or heating system.

The symptoms of carbon monoxide poisoning are often confused with those of influenza, and the highest incidence of poisoning occurs during flu season.

Symptoms include headaches, dizziness, nausea, unclear thinking, shortness of breath, weakness, vision problems and loss of muscle control. High concentrations of carbon monoxide can lead to unconsciousness, brain damage or death. However, a victim may not experience ANY of these symptoms, or only one or a few symptoms. You should suspect the presence of carbon monoxide if symptoms tend to disappear when you leave your home.

If you suspect carbon monoxide in your home:

- Open windows and doors.

- Call your fuel supplier or a licensed heating contractor immediately for an emergency inspection.
- If carbon monoxide is detected, seek medical attention immediately.

To reduce the risk of carbon monoxide poisoning, have your heating system "tuned up" by a licensed heating contractor, your gas company, or your fuel supplier, preferably before the heating season begins, to ensure that it is in good working order. Also, have the service company check the chimney or vent pipes for blockage. If a blockage exists, you should contact a professional chimney sweep immediately.

It is also a good idea to make sure your home is adequately ventilated, particularly if you have insulated your home, had major renovations done or have enclosed your heating system to increase living space.

- Install a carbon monoxide detector. Place it near the sleeping area.
- Check your space and water heating equipment to see that they're in good working order.
- Conduct a thorough inspection of your furnace at least once a year that includes cleaning and changing filters, cleaning the combustion chamber, checking and adjusting burners and the ignition system, cleaning and lubricating the blower motor, as well as measuring the concentration of carbon monoxide in the flue gas.
- Make sure the furnaces are free of lint and dust. Vacuum or damp mop the grillwork.
- Change filters on forced air heaters every two or three months.
- Make sure your pilot light has a steady, blue flame, not a billowy, yellow one, which indicates the gas is not burning completely and that too much carbon monoxide is being emitted.

- Make sure there is no corrosion around the vents of your gas water heater.
- Make sure all of the panels on a heater or furnace are securely in place, such as over the fan compartment, so that gases cannot be drawn in and blown around the house.
- Check chimneys for blockages that might cause flue fires. Once you have your chimney cleaned, put a wire cap on it so birds, leaves and debris cannot clog it up again.
- When you have your furnace on or your gas fireplace lighted, keep a window open an inch or two to avoid down drafting.
- Make sure the damper is open when your fireplace is in use.
- Never use the gas stove or oven as a heater.
- Make sure your gas dryer is properly vented with no cracks or corrosion in the vent pipes.
- Check for streaks of smoke or soot above heat outlets that indicate a heater is not working properly and needs immediate attention.
- Use your barbecue grill outdoors only. Barbecuing in the garage, even with the door open, is unsafe.

In addition to furnace maintenance and regular safety inspections, the Consumer Product Safety Commission recommends installing at least one carbon monoxide detector near the area where you sleep. There are several types of carbon monoxide monitoring alarms you can use in your home. The simplest to use are 9-volt battery operated continuous sensors. These look similar to ceiling-mounted smoke alarms and make a similar loud alert when certain levels of carbon monoxide are detected.

Today's detectors are required to sound when carbon monoxide levels reach 10 percent. At a 10 percent carbon monoxide level, most people would not perceive anything is wrong. At a 15 percent level, slight headaches occur, and at 20 percent severe headaches.

Asbestos

Asbestos is in the insulation of many homes and may cause health problems. To check for asbestos, you will need to send a sample of your insulation to a laboratory for testing. It does not need to be a large piece, the size of a quarter will do.

Asbestos has been used in many homes to wrap pipes in the basement. If your pipes are wrapped with a white material that looks like plaster, it is probably asbestos. If the material on your pipes is ripped or fraying, it could be dangerous.

Call or visit your local board of health at your town hall for information on asbestos removal in your home and make sure only a licensed registered professional removes your asbestos.

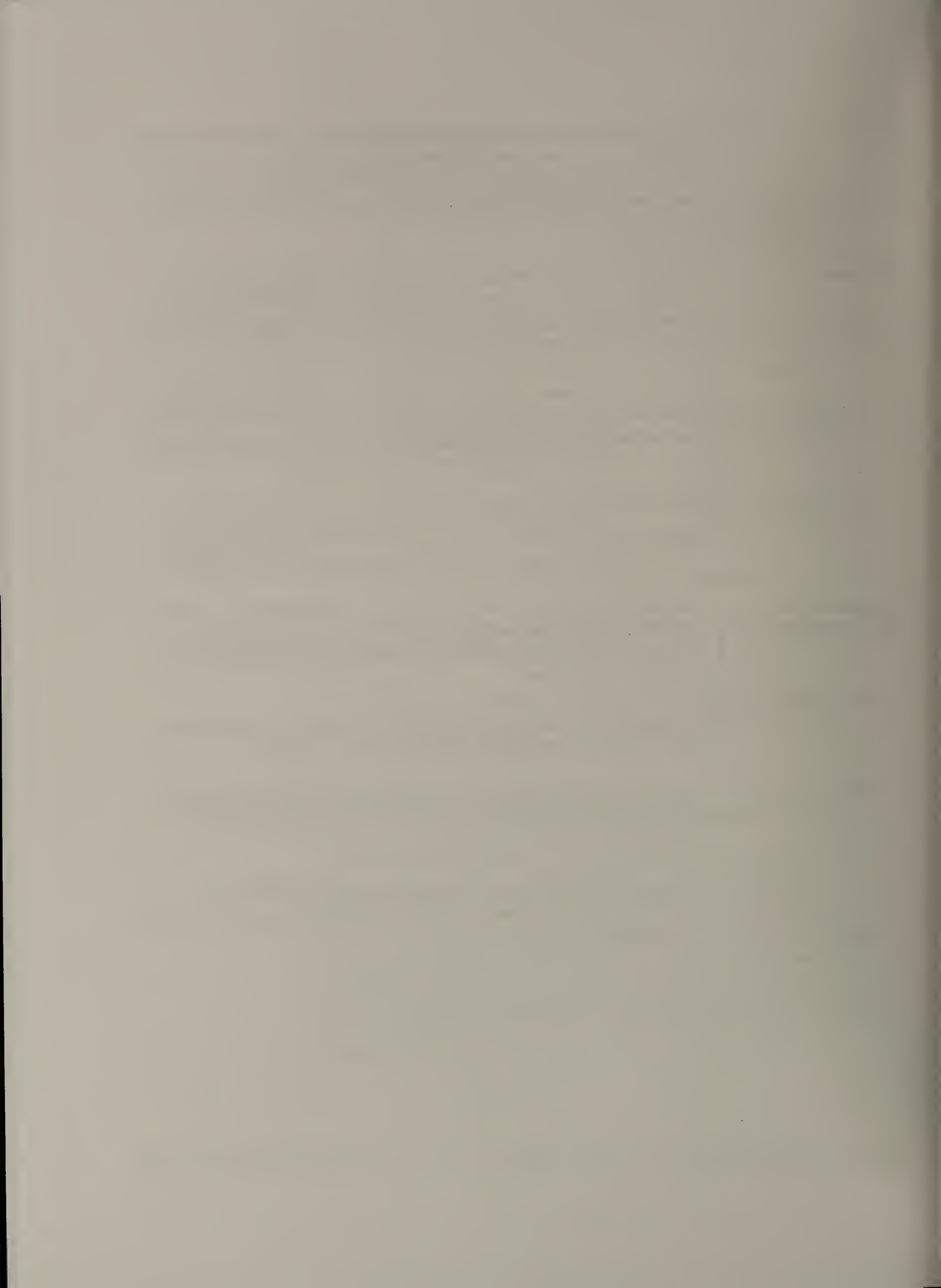
Formaldehyde Symptoms

Formaldehyde is yet another colorless, odorless gas than can cause health problems. Symptoms of formaldehyde exposure are a skin rash, breathing problems, burning nose or throat, and burning watery eyes.

Formaldehyde can get into your home through new cabinets, new curtains, or building materials such as plywood.

It is also found in some insulations. If there is any insulation in your home that is thick, white, and feels like Styrofoam, it probably has formaldehyde in it.

If anyone in your family has symptoms of formaldehyde inhalation, call your local board of health for a list of contractors who can test your home.



CHAPTER 6

MULTI-FAMILY HOMEOWNERSHIP

This section will discuss different aspects of owning a multi-family house. Since you will be renting out part of your home, the two primary questions you must ask and this chapter answers are, "How much should I charge for my apartment(s)?" and "How do I advertise, find, and select tenants -- preferably the best tenants I can get?" There are many "in's-and-out's" to owning a multi-family home, and we have tried to cover most of them in the following pages.

Setting Your Rent

Do research when setting the price on your apartment. Pretend you are renting. Check out rental properties to see what comparable apartments are renting for. Ask friends who rent to tell you what they would pay for the apartment. Ask a broker. If you set a high price, you may find yourself with an empty apartment. If you do not charge what the apartment is worth, you may not have enough income to make your mortgage payment. Never set a rental price without research.

Getting good tenants is not luck. It takes a good property and effective advertising to get responsible tenants, and hard work and organization to keep them. Remember: treat your tenants like you would want to be treated as a tenant.

Am I Running a Business?

You certainly are running a business, hopefully one which will allow you to enjoy your home and be profitable. First, you will need business space. You may not have the space or the need for an office, but to be an organized landlord you will need a filing cabinet adequate to meet your needs. A good landlord is organized. You will need to save everything. Your filing cabinet should eventually hold the following:

Record Keeping

(1) Tenant Files

Keep a file on all of your tenants. Record all rent payments by date, amount, and check number.

Keep any requests the tenant made in writing or by telephone, and record the date and action taken to accommodate the

request. These files will be invaluable if you ever want to evict a tenant, or if a tenant ever sues you. They are also helpful for tax purposes, and to evaluate tenants when deciding to renew the lease.

(2) Tenant Application

Keep the application of everyone who has ever tried to rent a unit, even if you turn them down. Keep notes on the back of the application as to why you did not rent to those who were turned down. The information will be necessary if anyone ever accuses you of discrimination. Keep applications for **one year**. Also, keep the applications of current tenants for **one year after they leave**. You may need the information to get in touch with them after they leave.

(3) Receipts

Keep the receipts for everything you buy for the house. Keep the receipts for all work done on the house. These receipts are needed for taxes, for some eviction cases, and to figure your operating costs and help you see where money can be saved.

(4) Rental Income

Rental income should not be considered as a source for personal expenses. A landlord's fiscal responsibility includes financial planning and budgeting throughout the year. It is important to have funds in an account to cover both anticipated and unexpected expenses related to your rental property, e.g. an increase in water and sewer bills, or if lead paint is found in your rental unit and you have to pay to have it removed, or your tenant suddenly moves out and you are not able to find a replacement for several months.

Tenant Accounts

Establish and reserve an emergency fund in case of job or tenant loss. Remember to set up a separate savings account for your tenants' last month's rent and security deposit. Remember you must pay interest to the tenant(s) each year on these deposited funds.

Consulting an Accountant

If you are not an accountant, you may need to hire one to help you with your taxes. Consult an accountant when you first begin to rent your property; he/she will tell you what records you should keep to make tax time easier. An accountant can also help you organize your finances, and help determine how high rents should be to generate a profit. If you do not have an attorney, it might be a good idea to consult one now. You may at some point need to evict a tenant or defend yourself if a tenant takes you to court.

Maintenance

There is a lot of maintenance necessary to keep a multi-family house running smoothly, and as the owner and landlord it is your responsibility. You should monitor apartments to avoid costly repairs, e.g. renters may let your tub faucet drip until it has ruined the enamel and you need a new tub. Be on top of things, and your preventative maintenance could avoid future costly repairs.

Emergency Repairs

You should budget for regular maintenance and emergency or unexpected repairs. Some financial experts suggest that one percent of the purchase price of the home is a realistic estimate for annual upkeep of a property.

Landlord Responsibilities

The landlord must make sure the home is always safe and in good condition. These responsibilities includes shoveling snow, raking leaves, painting common areas and entryways, (most landlords will pay for paint and supplies if a tenant wants to paint the apartment, but not the labor. (Always approve a tenant's color scheme before he or she paints). Other responsibilities include making sure common areas are well lit, keeping stairs safe and free from trash and toys, heating the building from September 15 through June 15 (if heat is provided by you), and providing and paying for hot water when it is not paid for by the tenant. If you are not a licensed electrician, plumber, exterminator, carpenter, mason, or landscaper, you may have to hire these professionals when needed.

The landlord must not only make repairs, he/she has to make them in a timely manner. Tenants may deduct from their rent the cost of repairs they do themselves or have hired others to do if the landlord is unresponsive.

Lawsuits

Landlords who do not properly care for their building and grounds may find themselves with much bigger problems than an unhappy tenant. Tenants can sue landlords for mishaps that occur on the landlord's property. If a tenant or guest of a tenant slips on the walk you did not shovel after the storm, you could be liable. If a burglary occurs in the building and you could have provided adequate outside lighting to discourage prowlers, you could be sued. The best way to avoid lawsuits is to be on good terms with your tenants. Do everything within your power and finances to assure that they live in a safe, well-cared for property. Be open to their suggestions, and ask them often what could be done to improve their living situation. Again, treat your tenant(s) as you would want to be treated.

Right Against Unlawful Discrimination

Under federal law, it is unlawful to refuse rental of any apartment because of race or color. Under state law, it is also unlawful to refuse rental of any apartment because of dependence upon public or rental assistance. The Massachusetts Fair Housing Law also prohibits discrimination against any person because of religion, national origin, age, ancestry, military background or service, sex, marital status, blindness, deafness, or the need of a guide dog. It is also generally unlawful to refuse to rent to adults with children.

This is only a summary of landlord rights; there may be other rules and exceptions. For more information, contact the Massachusetts Commission Against Discrimination and/or Fair Housing Office in your community.¹

Advertising to Attract Tenants

The location and tone of the advertising you do for your multi-family home will dictate the type of person who is interested in your apartments. Neat, responsible, professional people will not answer the ad you scribbled in crayon on the back of an ATM receipt and tacked on a telephone pole. Organized people will not waste their time calling the number in your newspaper ad if you did not take the initiative to include the number of bedrooms.

Newspapers and Magazines

Newspaper and magazine ads should include the location of the apartment, monthly rent, number of bedrooms, whether there is a dishwasher and disposal, contact person and telephone number, and when the apartment is available. You may also

want to include other strong points like hardwood floors, good view, owner-occupied building, two bathrooms, big kitchen, laundry in building, or pets welcome.

Make any sign you use professional looking. You do not need to include all the information you would in a newspaper ad if you do not want to, but make sure you state the number of bedrooms, the location, and the telephone number where interested parties may reach you as well as the time you will be available for showing the apartment.

Family or Friend Referrals

A quick way to get tenants is to ask your friends and relatives if they know anyone who is looking for an apartment. If you rent to a friend of a friend or relative, you will probably get a tenant that you like, and with whom you may be comfortable. Be aware that you are not guaranteed to get someone who will pay the rent on time or treat your building with respect. Be sure to check them as you would a complete stranger. Before you rent to a friend or relative referral, ask yourself if you will be able to treat this person like any other tenant. Remember, it is more important to have good tenants than tenants you like.

Non-Traditional Sources of Finding Tenants

There are many other places to advertise your apartment(s). How about the most obvious place--your building! Put a sign on the front lawn or in a front-facing window. You may also put signs up in your neighborhood. Signs on your home and in your area are great for attracting tenants who want to live in your neighborhood. Maybe they are already living there and need more or less space. People with friends in the neighborhood may see the signs when they are visiting. Make sure the sign is not too large, or it will take away from the attractiveness of your home. Do not make the sign a permanent ornament on your lawn; take it down as soon as the vacancy is filled, or if you feel it is not working to attract potential tenants.

Put signs in places that attract the type of people you would like to live around. Gyms, coffee houses, music stores, churches, and colleges are good places to advertise. If you would like to rent to older people, put up a sign in a senior citizen's center. If you would prefer young professionals, place your sign in the business section of town, or at the coffee shop where many professionals stop on their way to work. Using a real estate

Real Estate Brokers

broker is also a good way to attract professionals since many of them use real estate brokers to save time when looking for an apartment.

If you feel that your advertising is not reaching the potential tenants you would like, or if you do not want to personally show your apartment, you may wish to use a real estate broker. Do not forget: brokers will charge you a fee for this service.

A good real estate broker will take all the work out of selecting tenants. You can have a broker that meets and checks out potential tenants, and then presents you with a signed lease. Some landlords enjoy leaving all the work to the broker, others prefer to be more involved in the selection process.

A broker advertises and shows the apartment for you. If you want to, you can meet the potential tenants as they are shown the apartment and point out some of the apartment's or neighborhood's positive aspects. This is a good way to casually interview the prospective tenants.

Rental Application

The broker can give your rental application to interested people, then pass the completed form on to you for approval or rejection. You must inform the broker of your decision, then he/she will inform the hopeful renter. If appropriate, the broker will prepare the lease and arrange the signing with the future tenant.

The amount of work the broker does depends on the amount of time you have. It is best to choose your tenants yourself, since you will be dealing with them as landlord. It may save time to have the broker show the apartment and include you only when he/she finds someone who has seen the apartment and wants to rent it.

The Finder's Fee

In some areas, listing your apartment with a broker is done at no charge to the landlord. If the broker is paid a fee for finding tenants for you, the fee may be paid by the tenant or both tenant and landlord on a 50/50 basis. The fee is usually anywhere from a half to a whole month's rent. This fee may be paid totally by the tenant, or if the landlord is eager to rent, he/she may agree to pay the fee. Do not do this unless the potential tenant asks and you feel they will not take the apartment otherwise.

Vacancies While Searching for Tenants

Often brokers can rent your apartment(s) for higher rents than you could, since they are able to show it to more people and compare it to other apartments they are showing.

It may take some time to fill your apartments. Though it would be nice to have rent checks by the time your first mortgage payment is due, that is unlikely. In case of emergency you should always have enough money in a savings account to pay your mortgage.

Possible Reasons for a Vacant Apartment

If you have had a vacant apartment for months, take time to go over the possible reasons. Is the rent too high? Do your research on what comparable apartments are renting for to make sure you are not overestimating the worth of your space. If the rent is not too high, look at what you are offering. Could a parking space in the driveway be offered? Maybe you are not showing the apartment very often; advertise more, or list with a broker. If people are viewing the apartment but not renting, ask them why. If a dishwasher is the difference between a vacant or occupied apartment, it may be worth the investment.

Do not get desperate and rent the apartment to anyone. Always take the time to check out all potential tenants. A tenant who does not pay the rent is worse than no tenant at all.

Rent Control

Rent control was created in several Massachusetts cities and towns to preserve affordable rental properties in the wake of rising real estate prices. Beginning January 1, 1997, there will be no rent control in Massachusetts. Until then, in Boston, Cambridge, and Brookline there are still some instances where rent control is in effect.

Rent Control and You

Rent Control does not apply to buildings with less than three units and owner-occupied buildings with less than twelve units. It is unlikely that anyone reading this manual is affected by rent control. However, if you are unsure, call the Boston Rent Equity Board (617/635-4200).

The Tenant Application

Always have potential residents *fill out an application* and *check references*. An easy way to get the information you need is to use

Process

a standard tenant application. You can acquire this form in a legal stationery store or from the Greater Boston Real Estate Board (101 Federal Street, Boston, 617/345-0070). If you are using a broker to find tenants, they will have the application.

The standard application probably has all the information you will need to discern whether an individual would be a good tenant. It asks for the name, address, and the telephone numbers of the past three employers and landlords. It also asks for the current salary of the applicant. If rent will equal more than half of the applicant's monthly take-home pay, they probably will not be able to pay the rent. The rule of thumb for rent is 1/3 of the total monthly income. If the rent exceeds the 1/3 equation think again about renting to that person or persons.

Statement of Conditions

To avoid disputes later, have tenants sign a document stating any flaws in the apartment. This document is called *Statement of Condition*. Go over the apartment together and find things that are flawed, like the door that is scratched by the prior tenant's cat. When the tenant moves out, bring out the list, and go through the apartment with the tenant again to see what has changed since the Statement of Condition was signed.

Section 8 Renters

Section 8 is a government-assisted program for low-income renters, funded by the Department of Housing and Urban Development (HUD). There are two types of Section 8 assistance: (1) certificates, and (2) vouchers. Individuals with a Section 8 certificate pay 30% of their income towards rent. Section 8 subsidizes the remainder of the payment. There is a maximum allowable rent that can be paid by this certificate. With a voucher, HUD has agreed to pay a certain amount towards the tenant's rent; the tenant pays the difference between the voucher amount and the rent. There is no price limit on rent, the tenant chooses any apartment at any rent. Some tenants may end up spending more than 30% of their income on rent.

These methods of helping low-income people are called "walk around" subsidies because the individuals receiving the subsidy must find a landlord to rent to them. While you are not forced to rent to people who receive Section 8 assistance, if your rents are in their price range, you should have an adequate reason for not renting to them. You could be sued for discrimination if you

refuse to rent because of their rental subsidy status.

The holder of a voucher or certificate must have the lease approved by the housing authority who granted the subsidy. There will also be a subsidy contract to sign along with the lease. To obtain copies of acceptable leases and subsidy contracts, contact HUD or the housing authority in your area.

Security Deposits with Section 8 Tenants

Security deposits are different with Section 8 tenants--you may demand only \$50.00 or the tenant's portion of the monthly rent--whichever is greater. This can be a problem when the tenant moves out, and there is more than \$50.00 in damage, or there is unpaid rent equaling more than the security deposit. If this occurs, you can sue the tenant for damages. Since the reason the tenant only gave a small deposit is because he/she does not have very much money, chances are you will not get your money even if you do win the case. A better plan is to apply to the housing authority for damages. It may take time, but if your claim is valid, eventually you will get your money.

Massachusetts Rental Voucher Program

The Massachusetts Rental Voucher Program is another form of subsidized living for low-income individuals and families. You must sign a voucher payment contract in addition to a lease. Like Section 8 renters, a homeowner must have good cause to evict a tenant who received help from the Massachusetts Rental Voucher Program.

Do not rent to anyone who claims they will be receiving a subsidy but has no proof. Be sure of where your rent is coming from before you sign a lease.

Student Renters

Many landlords who own property in areas where there is a high concentration of students enjoy renting to them. They can be excellent, respectful tenants. There are some risks specific to students however: student renters may only stay for nine months before they pack up and leave for their summer jobs; they may sublet their apartments over the summer months even though it is in violation of the lease.

On the other hand you may find students who will stay all year for their entire four years. Graduate students, for example, tend to remain in their apartments throughout the years of their

graduate work.

Be sure to thoroughly check their incomes on the application. Students eager to rent your apartment may have their parents or guardians co-sign the lease to guarantee the rent if they have not established enough credit on their own. Students who like their apartment (and their landlord) may recommend their apartment to their friends when they leave, saving you the work of finding the next tenant.

Senior Citizens

Retired senior citizens are a favorite with many landlords. They usually have a great respect for your property, since many of them were homeowners themselves at one time. They are generally on a fixed, but steady income and are very responsible in budgeting. Since most are no longer working, they are also perfect candidates for a rent reduction in return for babysitting or odd jobs. Most senior citizens require 1st or 2nd floor apartments.

Checking with Prior Landlords

Call all prior landlords listed on the application. This is your primary source of information on the applicant. Because you are in the same business, they are more likely to be honest with you. Ask the prior landlord how the applicant treated his/her property, if rent was paid on time, and if the tenant was disruptive. Also, ask why the tenant left or is leaving; see if this explanation matches the reason the applicant gave you. Ask the prior landlord his/her opinion of the applicant. This may be more helpful than any of the information given as the answer to a specific question. **Please note:** a previous landlord may give a good reference to get rid of a bad tenant.

Credit Report Checks

If you go through a rental agency, you will be able to have a credit check done on anyone you are considering renting an apartment to. The credit check will tell you if the applicant owes money on any loans or credit cards. You can get credit reports through property management companies, credit reporting agencies, and/or tenant screening companies. Call several places to get a competitive price.

Tenancy at will

This form of renting does not necessarily require a written contract, and has no defined term. There is either a written or

verbal agreement between the landlord and tenant. This arrangement goes on until either the tenant decides to leave or the landlord requests that the tenant leave.

This is the simplest form of rental. The big drawback is that it could mean very short-term tenants. This can be very expensive if the landlord has to deal with vacancies between every tenant.

The tenancy can be ended by the landlord or the tenant, as long as there is thirty days notice given. If the landlord give a tenant thirty days notice to leave and it is ignored, then the landlord may begin eviction proceedings against the tenant.

Annual Leasing

Annual leasing is the most common form of leasing, although some landlords offer six-month leases as well. A lease is a contract between the landlord and the tenant stating the terms under which the tenant lives in the apartment.

To be legal, a lease has to have the amount of the rent to be paid, the amount of the security deposit, the rights concerning the security deposit, the name, address, and telephone number of the landlord and anyone else responsible for maintenance in the building, and the date the lease ends. You can put your own requirements into the lease, but they have to be for the good of the property or the safety and welfare of the tenants. Lease stipulations must apply to all tenants. It is illegal to write in the lease that the tenant is responsible for making repairs on the apartment. The tenant is not responsible for anything he/she does not break. It is illegal to state in a lease that the tenant must pay all or some of the utility bills when the meter for the utility is not exclusive to the unit in which the tenant resides.

Clauses in a Lease

Some clauses you may want to include:

► Disturbance Clause

This clause states that the apartment can only be used for residential purposes. It also gives you the right to evict any tenants who unreasonably disturb the peace of your building and its other tenant(s).

► Redelivery Clause

When the tenant moves, this clause requires them to leave the apartment in a clean, livable condition. This does not mean you will not have to clean the apartment between tenants. A security deposit can be held by you and used to pay for repairs until all repairs to the apartment are completed.

- ▶ Pet Clause

This is an important issue to address in a lease. You may allow pets if you wish, and you may charge a higher rent for apartments where pets will be living. It is illegal to charge a pet fee.

- ▶ Sublet Clause

This could be advantageous if you are renting to students or seasonal workers. This clause states that the tenants must have permission from the landlord, in writing, before they sublet the apartment.

- ▶ Termination Clause

This clause states how much notice you must give your tenant before eviction. Without this clause, you will have to wait until the lease is up to evict a tenant. To proceed with evictions contact the housing court (if there is one in your area) or the municipal court.

- ▶ Tax Escalation Clause

This clause allows you to raise the rent if your real estate taxes go up.

If you choose to include any clauses which are not in the standard lease you acquire from your broker or legal stationary store, you will need to talk with a lawyer to determine the proper format.

Annual leasing is a good way to assure that you will have a tenant(s) for at least a year. The drawback is that you will not be able to raise the rent during the term of the lease.

Breaking a Lease

Signing the lease does not mean that the tenant has to stay for an entire year. If both the tenant and the landlord agree that the lease should be broken, then it can be easily broken. If you want to get rid of a tenant before the lease is up, you will have to evict. You must have a very good reason to evict a tenant who has a lease; they must have violated the terms of the lease or failed to pay the rent. If the tenant chooses to break the lease and leave the apartment before the lease is up, he/she must give the landlord notice and help find a replacement tenant. The landlord must also make an effort to find a new tenant. As landlord, you can sue for lost rent while the apartment is vacant during the lease time, but you are not guaranteed to win your case. In addition, there are costs associated with lawsuits, and you need to file with small claims court.

Initial Charges

You may charge the first month's rent, the last month's rent, a security deposit of up to one month's rent, and the cost of a new lock and key. *You may not charge any other fees.* You must pay your tenants interest on their security deposits and last month's rent annually.

Holding a Security Deposit

The security deposit is the money the tenant(s) give you to fix the damage they may have caused during the time that they occupied the apartment. When the tenant moves out, this deposit is used to compensate the owner for all outstanding damages to the unit that were not caused by normal wear and tear. Any money left over after damages are repaired should be returned to the tenant(s).

NOTE

You may want to photograph the apartment between renters. This way, if there is ever a dispute between you and your tenant about damage, you will have documented the condition of the apartment before the tenant moved in.

Separate Bank Accounts

Even if your tenants have damaged the apartment, the security deposit is still theirs until they move out. No matter how sure you are that you will be using the money for repairs eventually, do not touch it until the tenant moves out. It is illegal for a landlord to put security deposit money with his/her personal funds. *The money must be in a separate bank account receiving interest.* The account must be in the name (usually in the name of the property) that indicates that it is not the landlord's money.

All of your tenant's security deposits may be kept in the same account. You must pay your tenants the interest earned by the account every year that you hold the money. If you fail to follow any of these rules for security deposits, tenants can sue you for *three times* the amount of the security deposit.

If you use the security deposit to make repairs when a tenant has moved out, keep receipts for everything you do. To save yourself trouble, or a lawsuit, discuss the work you feel should be paid for by the tenant's security deposit before you have any of it done.

The consequences for not returning the tenant's security deposit without reason are severe. If the tenant takes you to Housing Court and wins, you could owe three times the amount of the original deposit, plus all the court and attorney fees.

Evicting a Tenant

Bad tenants can usually be avoided if the landlord is willing to do the necessary research on credit and rental history before renting. However, even the most careful landlord can rent to a tenant that they want to evict. Failure to pay rent is the most common reason for eviction. Landlords are usually tolerant of tenant behavior as long as they are getting paid on time. Certain circumstances, however, require evicting a tenant who is paying rent. A tenant who uses or sells drugs on your property should be evicted. Any other illegal activity, such as prostitution or theft, is grounds for eviction. A tenant may also be evicted if they violate the terms of the lease in any way.

Evicting Section 8 Tenants

Evicting a Section 8 tenant is not easy. The tenant and HUD must be given 90 days notice. HUD will review the matter to determine whether or not the owner is acting in "good faith." If eviction is taking place, a homeowner's refusal to negotiate reasonable rent so that a higher rent may be charged to someone else is looked on unfavorably; if the homeowner would like to have a family member rent the apartment for the purpose of charging more than the Section 8 tenant can afford, the owner must wait until the lease expires.

BEWARE:

The most important lesson to learn before trying to evict a tenant is **DO IT LEGALLY!**

It is an expensive, time consuming process to evict a tenant. There are costs associated with eviction every step of the way. Most important: **only a judge can issue the court order to remove a tenant from an apartment and only a sheriff can enter an apartment for the purposes of eviction.** If you do not evict through the proper legal channels, your tenant can sue for damages (even though they may be violating the lease) and hold up the eviction process for weeks or even months.

NEVER:

- **change the locks on a tenant's apartment**
- **move the tenant's belongings out of the apartment**
- **verbally or physically harass the tenant**
- **shut off any utility used in the apartment**
- **interfere in any way with the tenant's use of the apartment**
- **threaten the tenant in any way**

**Contact Your
Attorney**

Enlist the help of an attorney before you file anything with the court. Look for an attorney with eviction experience. The lawyer will make the process of eviction much easier for you by obtaining, filling out, and filing all necessary forms. Having an attorney will ensure that you will not lose the case because you failed to fill out something correctly or missed a deadline.

It is possible to evict a tenant without using a lawyer. However, it is a very time consuming process and requires that you understand the eviction process.

Tenants-at-will are the easiest tenants to evict since there is no lease. There does not need to be a reason to evict a tenant-at-will, as long as it is done legally.

Tenants who have leases may be more difficult to evict. The grounds for eviction of tenants with a lease are non-payment of rent and lease violations.

The eviction process is the same for all tenants even those who receive rental assistance. When evicting a Section 8 or otherwise assisted tenant, there are other concerns that must be addressed

Notice to quit

which an eviction attorney could handle.

To begin a standard eviction, you must first end tenancy. This is accomplished by sending the tenant a **NOTICE TO QUIT**. This is a warning to the tenant. If you are evicting a tenant for failure to pay rent, he or she should receive a fourteen day notice; all other evictions require a thirty day notice. This notice does not mean that the tenant must leave in fourteen or thirty days. It means that the landlord could begin eviction proceedings if payments or actions were not adhered to within the designated period of time. The Notice to quit and all other necessary forms are available at your local courthouse.

Reviving Tenancy

The tenant has ten days to pay rent owed once he or she receives the Notice to quit for non-payment of rent. If the landlord accepts money as rent from the tenant, the eviction is off. This is called **reviving tenancy**. The landlord must file another Notice to quit to evict. A tenant who has received another Notice to quit in the past twelve months from the landlord does not have the right to revive tenancy. If the tenant informs the court and landlord that the rent has not been paid due to a delay in receiving any type of benefit check, the court will wait seven days before taking further action.

Service of Summons and Complaint

When the fourteen or thirty days are up, the landlord may deliver a **Service of Summons and Complaint**. This document must be delivered, or served, by a constable or a sheriff. The constable or sheriff must either give the Summons directly to the tenant or post it on the door if the tenant is not at home. If the Summons is not left directly in the tenant's hand, another copy must be sent by certified mail *by the landlord*.

The Summons and Complaint is a document that explains why the tenant is being evicted. The landlord must also include the *Entry Date*-- the date when he/she will file the complaint with the court, and the *Answer Date*--the date the tenant can file his/her side of the story.

The Entry date can be any Monday seven to thirty days after the Summons and Complaint has been served. On the chosen day, the landlord brings the complaint to either District Court or Housing Court to file.

Motion to Dismiss

The tenant may file a **Motion to Dismiss**. This is a document stating that the landlord has no right to evict the tenant. If the landlord has not followed the correct procedure up to this point, or has done anything illegal, like changed the locks to prevent the tenant from getting into the apartment, the case will be dismissed. This motion may be filed three days from the Answer Date, to the original trial date. In Housing Court, the motion may be filed at any time.

Answer and Discovery

Seven days from the Entry Date, the tenant must deliver **Answer and Discovery** forms to the landlord. These cannot be mailed--they must be *delivered*. They must also be filed with the court by the tenant. The Answer is the legal argument why the tenant should not be evicted. The Discovery is a request for information by the tenant. It automatically postpones the hearing for two weeks to give the landlord time to give the requested information. Interrogatories are questions that a landlord must answer. The tenant is allowed to ask up to thirty questions, and the landlord must answer them in writing and under oath.

The tenant may also request documents in the Discovery. Documents like repair bills or records of rent payments may be requested. **MAKE SURE YOU HAVE THEM!**

Request for Admissions

The third type of Discovery is **Request for Admissions**. This is a statement that the landlord is asked to admit or deny. Always be truthful; the Discovery responses are used in court.

Counterclaims may also be included with the Answer and Discovery. These claims outline the money owed by the landlord to the tenant. It is best for the landlord not to have counterclaims filed against him/her. Be sure the apartment has no health or building code violations, and that the tenant is not withholding money for any reason before starting eviction proceedings.

If the landlord has filed the case with the District Court, the tenant has the right to move it to Housing Court. The difference is that Housing Court judges have more experience with evictions and are more familiar with the law. Housing Court offers better assistance for tenants unable to afford their own

Default Judgment

legal council.

The tenant who does not file an Answer may still win the case. As long as they have a good excuse, the tenant can bring the Answer to court on the trial date. If the tenant files no Answer and does not show up in court on the court date, then the landlord is awarded a **Default Judgment**, and the eviction may take place. If the landlord does not appear in court, and the tenant has filed an Answer and appears in court, the case is dismissed and the tenant cannot be evicted. Counterclaims may be awarded.

If the tenant does not file a Discovery, the trial takes place on the original trial date, which is set three days from the Answer Date. If the tenant does file a Discovery, the trial is moved back to the rescheduled trial date seventeen days from the Answer date.

The landlord must comply with the requests of the tenant's Discovery within ten days of receiving the request. If the landlord does not file this document, the tenant may file a **Motion to Compel Discovery** five days from the landlord's failure to respond. The landlord must deliver the Discovery to the court and to the tenant.

On the rescheduled trial date, both the landlord and the tenant appear in court to answer the judge's questions about the case. The judge makes the decision the day after the court date.

The landlord or tenant has 10 days from the date of the judgement to file an appeal. An attorney can file the appeal, and counsel as to whether this is a worthwhile course of action.

If there is no appeal, and the landlord has won the case, eleven days from the judgement date the landlord receives an execution from the court. This means that the landlord has the right to evict. The day after the execution is awarded the sheriff can serve the tenant a 48 hour notice of eviction. The sheriff may enter the apartment after the 48 hours has expired and move the tenant out. The sheriff is the only individual legally allowed to do this. *The landlord can never do this.*

Stay of Execution

In certain cases a **Stay of Execution** is filed. This delays the

eviction for up to six months. This is used when an elderly or disabled person is being evicted. It cannot be used in the case of eviction due to nonpayment of rent or eviction due to the tenant breaking the lease.

If the case is being tried in Housing Court, mediation will most likely be offered as a means of resolving the dispute. Both the landlord and the tenant must agree to try mediation; if one refuses, the case goes to court. Mediation is a form of compromise. The mediator is not a judge but has experience in eviction proceedings. The mediator tries to help the landlord and tenant to agree on a solution to the problem. This usually involves compromise from both parties. If an agreement is not reached in mediation, then a trial is still available. Mediation is very good for simple cases, or cases where the landlord just wants to get rid of the tenant and is willing to let the unpaid back rent go if the tenant agrees to leave. Do not agree to mediation if you are not willing to compromise.

Housing Court

Housing Court* handles eviction and small claims issues related to residential real estate. Housing Court is set up to be quicker and less complicated than District Court. It is easier to appear in Housing Court without an attorney, making it less expensive than other forms of litigation. Housing Court employs housing specialists to help tenants with their cases.

It is generally believed that Housing Court favors tenants. Since the tenant's rights are at stake, lawyers often encourage tenants facing eviction to move the case to Housing Court.

*There are housing courts in Boston, Hampden, Worcester, Northeastern, and Southeastern Massachusetts. If you do not live in these areas, your case will be tried in District Court.

Tenants can sue you if they fall on your stairs, have belongings stolen from their apartment due to improper security devices, or are hurt fixing the heating system in your boiler room. They can obtain a restraining order barring you from their apartment if you violate their privacy by entering it without reason.

If your building violates a sanitary or building code, your tenant can sue you. Before you rent, obtain a copy of these codes from

Civil and Criminal Cases

your town hall or library.

Tenants can file both civil and criminal cases in Housing Court. Criminal cases are less urgent. They are to remedy a condition that has been going on for a while, and is not causing any immediate harm to anyone. If you misuse the tenant's security deposit, they can sue you for three times its amount in a criminal case.

Civil cases are more pressing. If you turn off a tenant's heat, or lock a family out of their home when they do not pay their rent, a civil case can be filed against you. They are brought to trial more quickly than criminal. Though there are fees for filing every type of case, fees are waived for tenants who cannot afford them but still want to sue you.

¹The information in the two paragraphs "Right Against Unlawful Discrimination" is from "The Tenant's Commandments: A Consumer's Guide to Tenants' Rights" Commonwealth of Massachusetts, Executive Office of Consumer Affairs and Business Regulations, (1993), page 2.

CHAPTER 7

CONDOMINIUMS

You may think that you are entering a care-free lifestyle by buying in a condominium development, but with condominium ownership comes a great deal of responsibility, involvement and coordination with other owners. You will not only be responsible for the upkeep of your unit, but you also will be required to at least vote on major issues involving the common areas of the condominium community, which includes hallways, heating and cooling systems, and care of the exterior. You and the other owners may not know much about condominium management when you first move in and will have to learn as you go. Among other things, you will have to familiarize yourself with the physical and financial aspects of the operation and how to properly enforce the community's rules and regulations. This guide is intended to help educate you regarding these and other aspects of condominium living.

Rule #1!

Rule Number One: Read (or have your attorney read) all Condominium Documents including the Declaration of Trust; Master Deed; Unit Deed; By-Laws and Operating Budget. Understanding the contents of these documents will make you an informed owner.

Condominium Association Structure

The responsibility of the condominium community rests with the Condominium Association. You automatically became a member of the association when you purchased your unit. The association is made up of the owners of the condominium complex. The association elects a board of directors that will ultimately be accountable for the maintenance and operation of the community.

Transition Phases

The formation of the *Condominium Association* goes through three phases--**interim, transition, and on-going governance**. The **interim** period is when the owners are beginning to move into the new complex and the property developer is still managing the property. The board of directors will be elected during this period.

	<p>The second phase--transition--is when the accountability for the condominium's operation has been transferred to the condominium association. This is usually a somewhat difficult period because the board of directors is new and no one knows how things should be handled. Involvement of the property developer during this transition can ease you through this stage. Ideally, the developer will turn over the condominium records quickly, provide training on the way matters have been historically handled, and provide guidance and counsel on new problems as they develop.</p> <p>The third and final phase--on-going governance--generally occurs after one year of operation or when the development is 90% sold. This stage is marked by a smoothly running and effective operation that has established organized ways of approaching issues.</p>
Purpose of the Association	<p>The condominium association is a private, mandatory, and usually a non-profit organization responsible for the operation of the condominium community. The association governs the condominium. The association's purpose is to reduce the cost of operating by sharing expenses and increasing the value of the individual units by maintaining the property.</p>
Governing Documents	<p>As stated earlier, the association is made up of all the unit owners. The board is elected by the owners and is responsible for administering the duties of the association. The duties and responsibilities of the board are designated in the governing documents for the association. These governing documents include the Master Deed, Declaration of Trust, by-laws, articles of incorporation, individual unit deeds of ownership, and the condominium rules and regulations.</p>
Types of Unit Owners	<p>While most unit owners are individuals, some are not. Unit owners may include corporations, trusts, partnerships and any other legal entities entitled to property ownership.</p>
Responsibilities of the Association	<p>Whether the owner of the units are corporations or individuals, everyone belongs to the association -- some members will be active, some less active, and some not active at all. As an association member, you should be aware of the full scope of responsibilities for which you will be accountable. The</p>

association is primarily responsible for:

(1) Maintaining and repairing the common areas of the property such as hallways, elevators, stairways, parking lot, and grounds.

(2) Collecting assessments to pay common area expenses and improvements, and assessing monthly fees that the owners must pay to finance the operation of the association. For example, the association will need money to repair an elevator or replace carpeting. These funds come from the owners who share an individual ownership in these common areas.

(3) Establishing and enforcing rules and regulations for the property which contributes to the quality of life and upholds the rights of unit owners.

(4) Protecting the unit owners' investment. An example of this would be keeping the building and the grounds well maintained.

(5) Creating a positive living environment for all residents. For example, keeping noise levels to a minimum, especially during late hours.

(6) Administering rules and regulations of the association for the mutual benefit of the owners. An example of this would be collecting condo fees on time and pursuing those owners who do not pay these fees. If the association does not receive all of these fees from each owner, it cannot pay necessary expenses such as insurance premiums, which would put the entire community at risk in the case of an emergency such as fire.

(7) Establishing a building reserve. This is a reserve fund to cover the replacement of major equipment, such as the central air conditioning system and other items such as the roof, elevators, locks, etc. If the money for these items is not collected gradually over time, the owners may be faced with increased condo fees or a one time large payment, which may strain their personal finances.

Official Positions Within the Association

As mentioned above, the association is run by the board of directors, which is accountable for fulfilling all rental responsibilities. The board consists of a *President*, *Vice President*,

Terms of the Association Officers

Secretary, and Treasurer.

The terms of the officers are stated in the bylaws -- one of the governing documents of the association. The customary term for an officer is three years. However, the first members of the board of directors should be given staggered terms to avoid the possibility of a complete turnover in any particular year.

To vary terms for a five member board, for example, two members can be given three-year terms, two members can be given two-year terms, and one member can be given a one-year term. In each subsequent election, the officer positions would have three-year terms, maintaining the staggered terms.

Being an officer allows you to enforce the building rules and regulations. You may also learn a tremendous amount about management, motivation and business.

Time Requirements

Being an officer will also require a good deal of personal time in meetings and preparing for meetings. Also, as a board member, you are exposed to the possibility of a law suit from a unit owner or group of unit owners who believes that the board has not exercised its fiduciary responsibility correctly. Most condo insurance policies contain officers' coverage for these types of legal actions.

Running for an Officer Position

The election process can vary from association to association. The elections for one association may be very political and competitive, while another association may have such non-competitive elections that they have difficulty filling all positions.

The members of the association would be wise to elect an uneven number of directors to avoid a stalemate on issues and votes that end in ties. The declaration and bylaws of the association provide the information related to the terms for the officers, the method of electing officers, and the procedure for removing directors.

The first step when conducting the actual election is to let all of the owners know that there will be an election and that everyone is invited to run for a position on the board. The mailing should

include an application to run for a position. The application will differ, but usually asks for personal and educational information and work experience. You usually find a section asking if you would like to hold a seat on the board of directors and what you believe you can contribute.

The application for election of officers should be returned to a board member. A temporary committee should be formed to review the applications. You should make sure it is an objective review. To help ensure objectivity, the committee should be made up of a cross section of unit owners. These owners should have different ages, interests and occupations.

Nominations

From the pool of applications, the committee makes nominations. The committee should circulate information sheets on the nominees to the board and all of the owners. This should be done well in advance of the election to give owners adequate time to review the sheets and make their decisions. Owners can also make nominations at the election meeting. Nominations should be made according to *Robert's Rules of Order*, which is available in most book stores or the legal section of a library.

Each of the nominees should be introduced at the election meeting and allowed some time to tell the owners why he/she should be elected as an officer. Obviously, persuasiveness plays an important role, especially if the election is competitive. After the presentations, the votes should be made, tallied, and the results announced promptly. Associations may choose to have a more informal atmosphere for elections. However, to maintain order and proper communication principles, the same process should be conducted. If there is a delay in the announcement of the officers, inaccurate rumors may surface and spread. This may negatively affect the board's image and hinder its effectiveness in soliciting support on certain issues in the future.

Running Your Condominium Association

As stated earlier, the board administers the responsibilities of the association. Board members may choose to carry out certain responsibilities and delegate others. Even though a duty has been delegated, the board remains ultimately responsible for its completion. The board may delegate duties to a part-time or full-time person, on-site manager, or property management company. The responsibilities of the board differ based on the

rules stated in the governing documents. The overall responsibilities generally include the following:

- (1) Handling the collection of assessments and making deposits;
- (2) Establishing an operating budget;
- (3) Maintaining accounting records in accordance with sound accounting techniques;
- (4) Forcing assessments against delinquent unit owners;
- (5) Changing and making rules and regulations;
- (6) Entering contracts for repairs;
- (7) Ensuring proper maintenance of property and equipment;
- (8) Opening bank accounts for the association and determining account signers;
- (9) Hiring, managing and dismissing employees;
- (10) Enforcing the rules and regulations, bylaws and declaration;
- (11) Buying, holding, and selling condominiums in the event of foreclosure;
- (12) Taking out loans for the association;
- (13) Paying for services as authorized;
- (14) Administering other duties as detailed in the governing documents or as allowed by resolution of the unit owners;
- (15) Entering and renewing agreements for insurance. A comprehensive insurance program is one of the most important responsibilities of the board. Adequate property and liability insurance to cover both the common areas and the Board officers will provide protection against property damage and law suits.

Association Rules and Regulations

When you signed the unit deed to purchase your property, you agreed to conform to all of the rules and regulations of the condominium association. These rules and regulations are stated in the governing documents. The rules, among other things, set personal standards for behavior, noise levels, parties, music, curfews, external facade changes, and number of occupants residing in a unit. The aim of the rules is to make living in the community a pleasurable experience, and to prevent owners from infringing on the rights of other owners.

It is a good idea to become an active participant in your condo association. Being active involves attending most meetings and making suggestions on how to improve the overall operation of the association.

Each unit owner has promised to abide by the rules and regulations of the association. In turn, the board members promise to maintain the facilities and the common areas. The biggest key to managing the association members is communication.

Collecting Condominium Fees

The governing documents require that each year the board establish a budget. The budget is based on the estimated income and expenses for the next twelve months. The income is primarily based on the projected monthly assessments of the unit owners. The expenses are estimated based on the projected expenses to maintain the property and collect the assessments. As the monthly assessments are collected, they are deposited into an operating reserve account. Withdrawals are made from the account as expenses are incurred. A separate working capital account may also be established for months where monthly expenses exceed monthly assessments. For example, during the summer, it would not be unusual that the cost to maintain a swimming pool and the lawn surpasses the monthly assessments. This is why the board must have a working capital account. The amount of money that you are short should be taken from this account.

The board of directors is authorized to make a special assessment if the regular assessment is inadequate or if an unexpected expense occurs. Special assessments are used primarily for two types of reserves: *replacement* and *contingency*.

Difficult
Condominium
Owners

Replacement reserves are used to *replace or repair* a major piece of common area equipment within the next twelve months.

Contingency reserves are used for *unexpected expenses* that cannot be planned for in the budget.

A condominium association is made up people who have a social and financial interest in the community. They would all like their condominiums to increase in value and enjoy living in a safe community. These are the people that help to create a social environment.

Most of an association's problems stem from people. No matter how well the association is doing, there may always be problem residents. So it is very important that the association establish well-defined ways of dealing with these people and enforcing the rules.

Unit owners are given a set of mutual promises when they sign the unit deed. The owner agrees to obey the covenants of the association. There are also implied and unstated promises that are made. For example, each owner agrees to keep noise at a reasonable level--especially at night. It is implied that the other owners will do the same. Despite these promises, there will be some residents who will break their promises or be abusive to others.

You have probably lived somewhere at some time where there have been at least 1 or 2 people that just could not get along with others. Unlike renting an apartment, you cannot just move out. Conversely, because people own their units in a condominium community, they tend to want to stay and fight for their rights.

The types of people who tend to cause the biggest problems in the community are listed below:

(1) Those who do not or will not accept the limitations of shared property. They see the association enforcing restrictions on alterations, for example, as an imposition to their rights. Another example would be someone who enjoys playing music loudly. Although it is believed that there is a right to do this within one's own unit, this interferes with the neighbor's right to peace and quiet.

(2) Residents who continually look for people violating restrictions no matter how petty. A stickler for the rules with time on his or her hands can disrupt a whole community. Residents should have some tolerance and lenience with the rules.

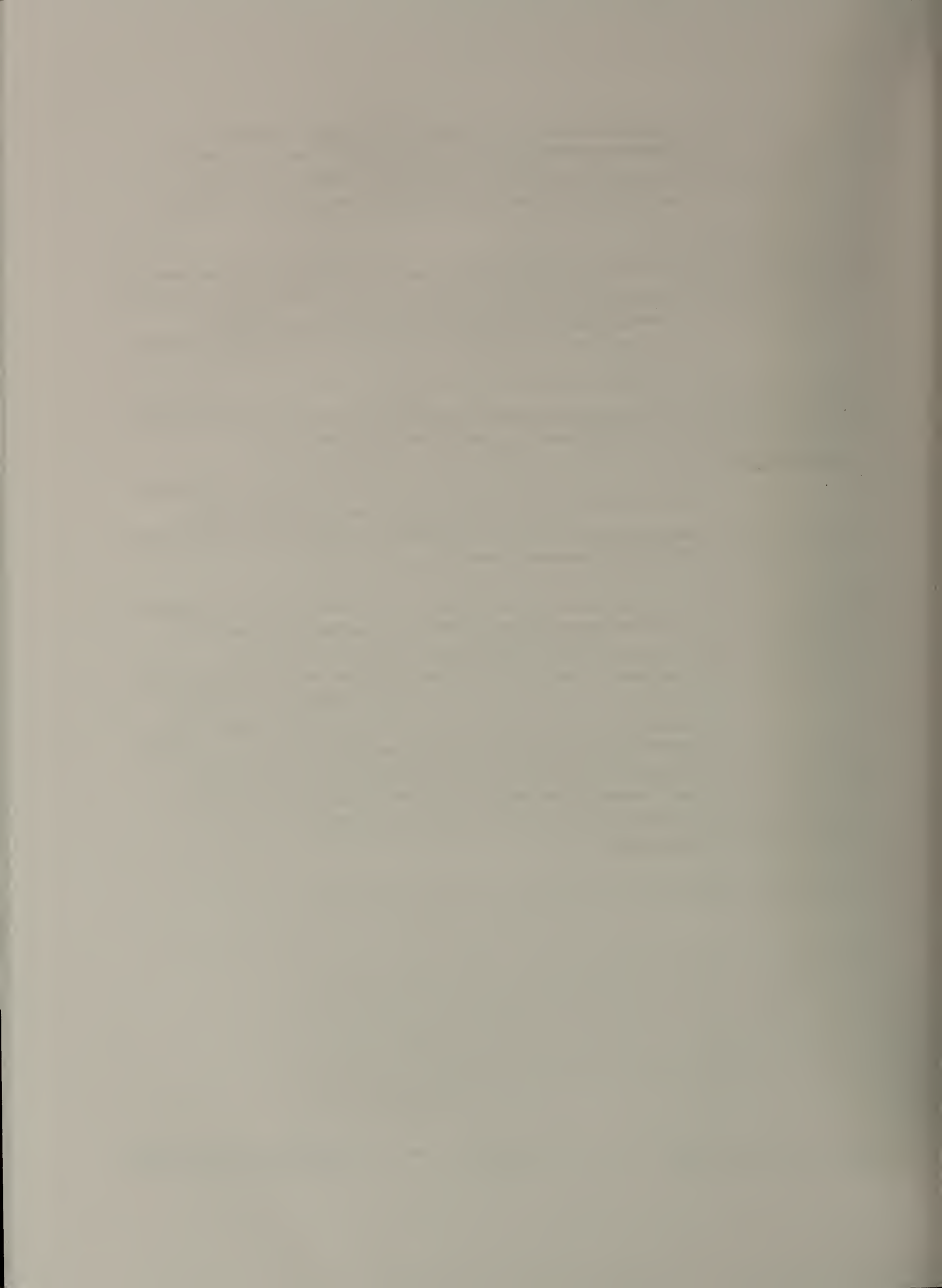
(3) Animal lovers who cannot understand why everyone else does not love their pet as much as they do. They may continue to let the pet go unrestrained. This becomes an even greater problem when the animal lives near a person who does not like animals.

(4) Groups of residents who get involved in verbal feuds. These people may cause repeated annoying disturbances.

(5) Non-owner residents who do not have the same interests as the owners to maintain the value of the property through ongoing improvements. They tend to resist improvements due to fear of an increase in their rent.

Conclusion

Communication is the lifeblood of any association. The board is responsible for seeing to it that communication exists in the association. Open channels can foster environmental cooperation, care, and concern for others. Problems begin to be resolved if open channels exist. Improving communication should be a top priority and includes providing copies of the governing documents to prospective purchasers so they will be aware of the rules before purchasing a unit, establishing a welcoming committee to orient new residents to the rules, a semi-annual or annual newsletter, and regular member meetings.



AVOIDING DEFAULTS AND FORECLOSURES THROUGH WORKOUTS WITH LENDERS

There may be a period in your life when your financial circumstances are strained to the point where you are having difficulty meeting your financial obligations--including your mortgage payment. This may never happen to you, but if it does, it is important that you take immediate action. Remember that the mortgage payment is the most important monthly obligation you have and not paying your mortgage may result in the loss of your home.

There are many reasons why people find themselves in financial difficulty. Some of the reasons they can control, some they cannot. The most common cause of financial difficulty is **over use of credit**. This is especially true with new homeowners. Having moved into a new home, they are anxious to paint, fix-up and furnish immediately. The easy way to pay for these items is by credit card. However, all these expenses add up and suddenly, not only is there the monthly mortgage to pay, but the credit card payments are due as well. The finances become too much to juggle and homeowners fall behind on their mortgage payments.

Financial hardship also occurs when income declines. This may happen because of a sudden job loss or change, divorce, illness or business failure. It may be useful to start a "safety net" -- money set aside each week or month in a bank account to be used when trouble arises. Begin to save money the first month you pay your mortgage. You may never need to use this reserve. However, if something unexpected occurs, it will be there when you need it.

In addition to the reasons outlined above, as an owner of a 2-4 family home, you may encounter additional problems. As you know, not only are you a homeowner, but income from your rental units will offset, or may even cover your entire monthly mortgage payment. While most new owners of multi-family homes do not expect trouble, immediate problems with your property may occur. It is a good idea to plan for unexpected

problems. The difficulties a multi-family owner may encounter include a tenant who does not pay rent; a tenant who does extensive damage to one of the units; a roof begins leaking into your tenants' apartment; a heating or hot water system breaks down, or a prolonged vacancy in one or more of the rental units -- all of the above could result in loss of income. Such loss could prevent an owner from paying his mortgage payments.

No matter whether you own a single-family or multifamily property, it is a good idea to plan for unexpected financial problems. However, there may be times where even careful planning may not be sufficient to avoid serious financial difficulties. If you find yourself in this situation, act quickly and notify your lender. While not all financial problems can be worked out, good communication with your lender is essential.

Delinquency

If you miss a mortgage payment, for even one month, your mortgage loan is considered **delinquent**. Try to determine the cause before you speak with the bank. Look over your finances. Is it an emergency situation, such as a car accident, hospital bills, or loss of income that has changed your financial situation? The bank will not be sympathetic to reasons such as high car payments or excessive credit card debt. Your mortgage should be the top priority of your monthly bills.

Whenever you fail to make a mortgage payment, the lending institution may report the missed payment(s) to a credit reporting agency. Borrowers who are chronically delinquent may have a hard time obtaining credit, and may have their credit history damaged for a number of years.

When borrowers do not pay their mortgage for two or more months and fail to communicate with the lending institution, they may receive a letter demanding that all back payments on the loan be paid within thirty (30) days of the date of the letter. If the borrower does not pay what is owed on the mortgage to bring it current, and does not contact the lending institution, the lending institution may begin foreclosure proceedings.

Foreclosure

The simplest way to describe foreclosure is a legal action taken by a lending institution against a borrower who has not paid his/her mortgage. The lending institution may hold an auction

to sell the house in an effort to recover some of the money owed by the borrower. Upon the completion of the auction, the borrower of record is forced to move out unless other provisions are made. Foreclosure is the last step a lending institution will take against a borrower who does not pay the mortgage. Some lending institutions will begin foreclosure proceedings if a borrower misses only a few mortgage payments while other lending institutions will attempt to **work out** a solution with the borrower before beginning foreclosure proceedings.

It is important that you communicate with your bank and apprise them of your financial situation. The lending institution will evaluate your financial status, the condition and value of the property, when determining a suitable workout plan. The bank considers not only what you are able to afford, but also what solution will create the lowest risk for them. Although banks prefer not to foreclose on a loan, they want a workout situation that will not lead to foreclosure in the future. If a bank determines that a workout is not feasible for a borrower, they will move toward foreclosure. In that instance, you should consult an attorney, and explore any possible options the attorney can suggest.

The probability of losing your home due to financial hardship is difficult to face and working out a solution may seem to be a hurdle which is insurmountable. As mentioned above, each delinquent borrower has individual circumstances which lenders consider prior to recommending a course of action. To assist you, the homeowner, in this process we have provided a list of terms and definitions which you may hear during your discussions with your lender.

* * * * **TERMS** * * * *

Notice of Default

A **Notice of Default** is a written letter informing a borrower that a mortgage agreement has been broken due to the borrower's lack of payment. A **Notice of Default** typically requests the borrower to **cure the default** (pay all back amounts owed on the mortgage) and gives the borrower a grace period in which to do this. If the borrower does not cure the default before the end of the grace period, and does not contact the lending institution, foreclosure proceedings may begin.

Workout Plan	An attempt by the lending institution to assist a borrower who has defaulted on a mortgage note to work out a payment plan rather than proceed directly with a foreclosure.
Modification	The act of changing any of the terms of the mortgage.
Forbearance Agreement	A payment agreement that involves curing a default (non-payment of a mortgage) by making regular monthly mortgage payments as they are due, and also making partial monthly payments on the unpaid mortgage balance (also known as arrears).
Temporary Interest Rate Reduction	This possible solution is for homeowners who have ongoing financial problems likely to be temporary in nature. By reducing the interest rate, the mortgage payment amount is reduced for a period of time agreed upon by both the lender and borrower. At the end of the agreed upon time period, the lender will expect the borrower to resume making full, regular monthly payments on the mortgage.
Recasting of Missed Payments	This solution is also known as a Deferral and is similar to the above solution. In this case, the lender takes the missed payments and applies them to the end of the mortgage loan term, and does not penalize the borrower. In this scenario, the borrower is expected to resume the regular monthly payments of the initial mortgage note.
Sale for Fair Market Value	The homeowner is allowed to sell the property and the lender does not proceed with the foreclosure process. The lender expects that the property will sell for a higher price in the real estate market than as a foreclosed property.
Short Sale	In a depressed real estate market, a lender may allow the property to be sold through a real estate agent and not proceed with the foreclosure process even though it is recognized that the proceeds of the sale will not cover the amount due on the mortgage. In this scenario, a foreclosure sale is avoided because the bank believes the property will be sold for a higher price in the real estate market than as a foreclosed property. The difference between this scenario and the above Sale for Fair Market Value is that a Short Sale is the lender's recognition that they will lose part of the mortgage amount owed. In a Sale for

	<p>Fair Market Value, the lender expects the amount of the mortgage to be covered in full by the proceeds from the home sale.</p>
<p>Mortgage Assumptions and Other Transfers</p>	<p>Some mortgages can be assumed (taken over) by a third party. In this situation, the person or party to whom the mortgage obligation is transferred continues to pay the regular monthly premiums. Unless a workout situation is agreed on by all parties, the amount of money in arrears is owed by the person or party assuming the mortgage. There are two advantages to this solution: the first is that homeowners do not have their property foreclosed on (even though they lose the ownership by giving up the mortgage), and whoever assumes the mortgage might be in a better position to deal with the lending institution than the original homeowner.</p>
<p>Deed-in-Lieu of Foreclosure</p>	<p>In this situation, the lender takes over the deed to the property and does not proceed with foreclosure. This can be most easily understood as the lender accepting return of the property. A Deed-in-Lieu is not a possibility when there are liens against the property, i.e. a second mortgage, or a home improvement loan. This solution is possible only when the lender obtains a clear title to the property.</p>
<p>Refinancing</p>	<p>In this situation, the borrower reconstructs a whole new loan in place of the existing loan, typically putting all the money in arrears at the back of the loan. What this means is that all the money that you owe the bank is added into the new loan plus the outstanding balance on the original mortgage. In order to refinance your mortgage, you may incur all of the charges you paid to get your first mortgage. Refinancing is best for those who have a good credit rating and money on hand, but who need to lower their monthly payment.</p>
<p>Foreclosure</p>	<p>Foreclosure is defined as a legal procedure where property used as security for a debt is sold to satisfy the debt when payment on the mortgage note has not been made.</p>
<p>Tax Considerations</p>	<p>In the cases of Short Sales, Deeds-in-Lieu of Foreclosure, and Foreclosures, the difference between what was owed on the mortgage, (but was not paid by the borrower), and the amount of money the lending institution receives through the sale of the</p>

**Foreclosure
Prevention
Assistance**

home is considered (tax law) income for the borrower. This may be reported by the lender to the Internal Revenue Service (IRS). You may wish to consult with an accountant before agreeing to a **Short Sale** or **Deed-in-Lieu** so that you can estimate the amount of money you could owe to the IRS.

There are non-profit organizations in Massachusetts (e.g. National Consumer Law Center listed in Homeowner Resources) that may provide assistance in foreclosure prevention. The assistance may include financial counseling, pre-foreclosure counseling, working through the foreclosure or workout process with your lending institution, and post-foreclosure counseling. See Chapter 9 for a list of resources.

CHAPTER 9

HOMEOWNER RESOURCES

Many resources may be available to you at your town or city hall. If you live in a large city, remember that the employees of the city are very busy -- they really will help you if you wait long enough. Always go to your city or town hall to get the information you need. Most employees are more accommodating to people who go in person to the town or city hall. Some agencies will not give information over the telephone.

Your Tax Bill

If you are confused over the amount of your tax bill, go to the Tax Assessor's Office. Your property tax amount is calculated by using a percentage of the assessed value, which is usually a percentage of the market value of the home. If your property has an assessment you feel is too high, meet with the Tax Assessor who will review your claim. If it is valid, they may abate your bill. This is rare, but if you feel you have a strong case, give it a try.

If you feel that your home has been over-assessed, you may want to compare your taxes with your neighbor's. If there are houses you feel are identical in value to yours which have similar assessments, you will be unlikely to receive an abatement.

Property Taxes

The Tax Collector can help you if you are having trouble paying your property taxes. If this is the case, call before you go in. Explain your problem, and make an appointment to discuss your options with someone. Go in with a solution. Offer to make weekly or monthly payments, if you are able.

Your local planning office should be consulted before undertaking any home improvements. Many projects, such as decks and additions, require a permit. Never start work without obtaining a permit.

Environmental Issues

Your town or city hall also has a Board of Health to advise on lead paint, radon, Title V and other environmental issues.

Your town may have a Youth Commission, and a Commission on Aging for health questions specific to those groups.

Conclusion

The city or town clerk's office can answer most of your basic questions about your town and provide you with a copy of your birth certificate (if it was the city or town in which you were born) or a dog or fishing license. Questions regarding your water supply or a town ordinance should be directed to the clerk's office. The clerk's office can also answer questions and provide information regarding local elections.

Remember, when it comes to questions relating to owning a home, there is always someone who can help you. The questions you have about your home are very important and finding the answers may save you a lot of money. When calling a resource, be persistent. If the number is busy, keep trying.

The next section presents a list of resources and phone numbers, including municipal and state offices.

We hope this guide has been helpful to you. We wish you many years of happiness in your new home.

RESOURCE LIST

(All telephone numbers are in the 617 area code unless otherwise noted.)

Attorney General's Office 727-8400
Consumer Hotline

Division of Banks 800-495-BANK
Division of Banks regulates state-chartered banks and credit unions to ensure their safe and sound operation, as well as to ensure compliance with consumer protection, community reinvestment, and fair lending laws and regulations. The above number is for complaints or comments regarding any state chartered bank or credit union.

Mass. Bar Lawyer Referral Service 800-392-6164
Assists consumers in finding resources to help solve legal problems. The service will first determine whether you need an attorney for your problem, and then refer you to an attorney or the appropriate regulatory agency. The service does not offer any legal advice.

Board of Building Regulations:
e.g. Building Codes and Home Improvement Contractors
..... 727-7532

Boston Edison
(Ask for Home Energy Assistance) 424-2000

Community Action Agencies 523-7002
(Call your town or city hall to find the address and telephone number of the agency serving your area.)

Provide a wide range of support services for low-income households and are a referral source for financial assistance and other assistance related to your home.

- Community Homeowners Association 445-4005
Provides pre- and post-homeownership counseling and credit and mortgage counseling.
- Community Teamwork, Inc. (508) 459-0551
Provides homebuyer counseling, dispute resolution, landlord/tenant rights services and post homeownership counseling services.
- Consumer Credit Counseling Service 426-6644
- Department of Housing and Urban Development 565-5256
- Department of Labor Job Hotline 565-9675
Veterans Employment and Training 565-2080
- Ecological Innovations Oil Buying Network
Provides oil from 6 cents to 25 cents per gallon below retail prices; energy efficient lighting products; water conservation products; weatherization materials; comprehensive home testing for air leaks, conservation tips and personalized technical advice. 482-7473
- Ecumenical Social Action Committee 524-4820
Provides financial and home management services for seniors; also administers other home-related programs.
- Environmental Protection Agency 565-3420
Assists homeowners with environmental issues including natural resources protection, cleaning up contaminants, underground storage tank issues, asbestos removal, composting, hazardous waste management, recycling, radon gas, septic systems, foam insulation and other public concerns.
- Executive Office of Consumer Affairs
Assists consumers with issues such as consumer complaints; home improvement information: selecting a contractor, signing contracts, and resolving contractor/consumer disputes. Small claims court, tenants' rights and consumer products information are also under the jurisdiction of this office.

Consumer Affairs Administration	727-7755
Consumer Questions	727-7780
Insurance Division	521-7777
Assists homeowners with disputes on claims, especially when the homeowner believes the insurance company is not adhering to certain provisions in the policy.	
Public Utilities Department/Consumer Division	727-3531
Executive Office of Economic Affairs	
Energy Resources	727-4732
Family Services	523-6400
Federal Trade Commission	424-5960
Provides information on all types of scams, credit repair fraud, water testing, etc. Also provides tips on shopping for a mortgage and real estate brokers.	
Hampden Hampshire Housing Partnership	(413) 785-1251
Provides pre- and post-homeownership counseling and lead abatement services.	
Health and Human Services (A Federal Agency)	565-1020
Homeowner Options for Massachusetts Elders (H.O.M.E.) Provides financial management counseling for elder Massachusetts homeowners.	451-0680
IRS Taxpayer's Assistance	800-829-1040
Lead Poisoning Prevention	522-3700
Enforces the state law mandating that all property owners contain or abate lead paint whenever a child under the age of 6 years resides in the dwelling.	

Massachusetts Association of Community Development
Corporations 523-7002
(Call your town or city hall to find the address and
telephone number of the agency serving your area.)

Provide a wide range of support services for low-income
households and are a referral source for financial
assistance and other assistance related to your home.

National Consumer Law Center 523-8010
Provides an array of legal and housing services for
homeowners and low-income families.

National Mortgage Counseling Center 787-0160
Provides budget analysis, financial management and
foreclosure prevention counseling to a target group of
homeowners.

Public Health Department

Boston 624-6000

Central (508) 792-7880

Northeast (508) 851-7261

Southeast (508) 247-1231

West (413) 787-6740

Registration Division (to verify licensing)

Board of Electricians 727-9931
Homeowners may call to verify whether an
electrician is licensed. Licenses are valid for three
years.

Board of Certification of Health Officers 727-3069

Board of Plumbers 727-9952
Homeowners may call to verify whether a plumber
is licensed. Licenses are valid for two years.

Department of Revenue/Customer Service Bureau

Child Support Issues 800-332-2733

Taxpayer Information 727-4545

Outside Boston 800-392-6089

Office of Abatement 626-2910

Handles abatement of Massachusetts state taxes
and issues refunds.

Bureau of Appeal and Review 626-3300

Reviews disputes from taxpayers as a result of an
audit. If a consumer believes taxes are assessed too
high, the Board will review the appeal application.

District Offices

Fall River (508) 678-2844

Hyannis (508) 771-2414

Pittsfield (413) 499-2206

Springfield (413) 784-1000

Worcester (508) 792-7300

Rural Economic and Community Development (formerly
Farmers' Home Administration) 800-352-8015

Provides assistance with low interest mortgage loans and
other housing services.

Rural Housing Improvement (508) 297-5300

Provides assistance with home improvement loans and
other housing services.

Salvation Army (Good Neighbor Energy Fund) ... 800-334-3047

Provides periodic emergency assistance for heating bills.

South Shore Housing 585-3885

Provides homebuyer counseling, lead abatement services,
and post-homeownership counseling.

- State Office of Fuel Assistance and Weatherization
 800-62-8175
 Provides assistance to owners whose homes need
 weatherization repairs.
- Office of the Secretary of State 727-9640
 Serves as a central referral service for questions and
 concerns for Commonwealth residents. Referrals to state
 agencies include homebuyer questions, energy
 conservation, tenant issues and legal issues.
- Social Security Administration 800-772-1213

CHAPTER 10

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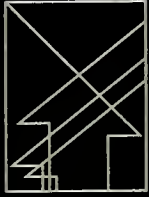
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**MASSACHUSETTS HOUSING
FINANCE AGENCY**

**ONE BEACON STREET
BOSTON, MASSACHUSETTS
02108**

TEL 1-617-854-1020

TDD 1-617-854-1025

**William Weld
Governor**

**Paul Cellucci
Lt. Governor**

**Michael J. Dirrane
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